

CASE NO.:
Appeal (civil) 3163 of 2008

PETITIONER:
STATE OF HARYANA & ORS

RESPONDENT:
V.K. AGGARWAL

DATE OF JUDGMENT: 30/04/2008

BENCH:
A.K.MATHUR & ALTAMAS KABIR

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO.3163 OF 2008
(Arising out of SLP(C) No.18862 of 2007)

We have heard learned counsel for the parties.
Leave granted.

This appeal by special leave is directed against the judgment and order dated 13th February, 2007 passed by the learned Single Judge of the High Court of Punjab and Haryana in R.S.A. No.2239 of 2006 where the appeal was admitted but no stay of operation of the judgment of the Trial Court was granted and it was observed that if excess payment is made then amount can always be recovered. This was not the correct approach. Once an appeal has been admitted, normally the Court should have stayed the operation of the judgment subject to some conditions.

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However, the notice was given in this case and an interim order was passed by this Court on 6th September, 2007.

Having regard to the facts and circumstances of the case, we confirm the interim order dated 6th September, 2007 and request the High Court to dispose of the matter expeditiously preferably within a period of six months.

The appeal is accordingly, disposed of.