



CR-6379-2025 (O&M)

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

-.-

**CR-6379-2025 (O&M)
Decided on :- 12.09.2025**

Kartar Singh (since deceased) through his LR's

....Petitioner

VERSUS

Mangat Singh (since deceased) through his LR's

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Sartaj Singh Gill, Advocate for the petitioner.

-.-

MANDEEP PANNU J.

1. Present civil revision petition under Article 227 of the Constitution of India has been filed by the petitioner-Kartar Singh (since deceased) through his LR's seeking a direction to the learned Additional District Judge, SAS Nagar, Mohali to expeditiously adjudicate upon the application dated 17.12.2024 filed for condonation of delay in the appeal titled as "*Kartar Singh (since deceased) through LR's v. Mangat Singh (since deceased) through LR's*", pending before the said Court.

2. It is submitted that the petitioner is a co-owner in the suit property along with the respondents and other co-sharers. On 23.12.2010, respondent Mangat Singh filed a suit for possession of 1/16th share by way of partition of the house and for permanent injunction restraining the defendants from making any construction over the said property. By judgment dated 16.11.2016, the learned Additional Civil Judge decided the said civil suit. Subsequently, on 04.01.2017, the respondent filed an application before the Court of Civil Judge (Junior Division) for passing of final decree, which came to be passed on 03.02.2023. Thereafter, on 29.08.2023, the respondent filed an execution application before the Civil Judge



(Junior Division), Kharar, for executing the judgment and decree dated 03.02.2023 whereby the report of the Local Commissioner was accepted.

3. On 27.11.2024, the petitioner filed objections in the said execution proceedings, inter alia, contending that his share had also been confirmed by judgment dated 16.11.2016, being a co-sharer in the suit property, and that his share was being reduced with mala fide intentions. However, on 11.12.2024, the Civil Judge (Junior Division), Kharar dismissed the objections filed by the petitioner and issued warrants of possession along with police aid. Since then, the Executing Court has been issuing warrants of possession and directing the police to provide assistance in execution of the warrants vide various orders, and the execution application is now pending for 12.09.2025.

4. In the meantime, on 17.12.2024, the petitioner filed a civil appeal titled as “*Kartar Singh (since deceased) through LRs v. Mangat Singh (since deceased) through LRs.*” before the Court of the learned Additional District Judge, SAS Nagar, against the judgment and decree dated 03.02.2023, whereby final decree had been passed. Along with the said appeal, the petitioner also moved an application for condonation of delay of 682 days as well as an application for stay of operation of the judgment and decree dated 03.02.2023. On 17.12.2024, the learned Additional District Judge, SAS Nagar issued notice in the application for condonation of delay for 23.12.2024. On that date, counsel for the respondent appeared, and parties were directed to be present in person on 24.12.2024 for exploring the possibility of settlement.

5. However, the matter was adjourned to 08.01.2025 and then remained pending for awaiting report of the mediation for three consecutive dates. When no compromise was effected, the case was adjourned to 28.02.2025 for filing reply to



the application for condonation of delay. On that date, no reply was filed by the respondents, and the case was adjourned to 18.03.2025 for reply subject to last opportunity. Again, reply was not filed and the matter was adjourned to 15.04.2025 for filing reply subject to last opportunity. On 15.04.2025, yet again reply was not filed, and the matter was adjourned to 25.05.2025, subject to last and final opportunity. On 22.05.2025, though no reply was filed, on the request of the parties, the case was referred to the Mediation Centre for 27.05.2025. On 14.07.2025, the mediation report was received, recording that the matter could not be settled. Even then, no reply was filed, and the case was adjourned to 22.09.2025 for reply, subject to yet another last opportunity.

6. It is submitted by the petitioner that on the one hand, the respondents are actively pursuing the execution proceedings before the Civil Judge (Junior Division), Kharar and obtaining warrants of possession with police aid, but on the other hand, they are deliberately and purposely not filing reply to the petitioner's application for condonation of delay in the appeal pending before the learned Additional District Judge, SAS Nagar. The petitioner contends that such conduct of the respondents has stalled the hearing of his application since 17.12.2024, and some direction is required to ensure expeditious disposal of the application.

Findings

7. Having considered the content of the petition and the chronology of events noted above, it is evident that despite the filing of the application for condonation of delay as far back as on 17.12.2024, the respondents have not filed their reply till date. The record further shows that the case has been adjourned on multiple occasions for mediation and thereafter for reply, with repeated indulgence and "last opportunities" granted to the respondents, but without any result.

**CR-6379-2025 (O&M)****-4-**

8. On the other hand, the respondents have been vigorously pursuing their execution application before the Civil Judge (Junior Division), Kharar and securing warrants of possession, while deliberately delaying the disposal of the petitioner's condonation application pending before the appellate Court. Such conduct amounts to abuse of process and causes serious prejudice to the petitioner.

Conclusion

9. In these circumstances, this Court is of the considered view that no further delay can be permitted. Accordingly, the learned Additional District Judge, SAS Nagar, Mohali is requested to decide the petitioner's application for condonation of delay dated 17.12.2024 strictly in accordance with law and as expeditiously as possible, preferably within a period of one month from the date of receipt of a certified copy of this order.

10. The civil revision petition is allowed of with the above directions.

11. Pending application(s), if any, also stand disposed of.

September 12, 2025
tripti

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No