

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4205 of 2014

Date of decision: March 09, 2015.

Ashwani Bhatia

... **Petitioner**

v.

Manohar Lal Bhatia etc.

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Rakesh Bhatia, Advocate, for the petitioner.

None for the respondents.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Plaintiff, petitioner herein, had filed a suit for declaration that the properties mentioned in the plaint were ancestral properties. Relief of permanent injunction was also sought restraining the defendants from alienating or dealing with the property in any manner whatsoever during pendency of the suit. Decree for rendition of accounts as also for partition by metes and bounds, was also sought.

The suit is pending adjudication before Civil Judge (Junior division), Chandigarh. Even an application moved by the plaintiff for calling defendant Manohar Lal Bhatia, respondent herein, to come to the witness box to depose about his version is pending decision before the lower court. It is claimed that respondent No.1 is 86 years of age and is in the evening of life and the other respondents, taking benefit of the said fact, are delaying and dilating the proceedings in the lower court.

None of them has come forward to contest the present petition, wherein request has been made for directing the lower court for early disposal of the suit.

During the course of hearing, Counsel for the petitioner has urged that taking undue advantage of advanced old age of respondent No.1, the other respondents are not allowing the court to effectively proceed with the suit.

Keeping in view the nature of litigation resting within a family and extreme old age of respondent No.1, the lower court below is ordered to decide all pending applications in the suit within 15 days of receipt of a copy of this order and further to decide the suit within six months thereafter, giving opportunity to all the parties to produce their evidence. Till then, interim order dated 14.7.2014 operating in favour of the petitioner-plaintiff would continue to operate. Relevant part of the said order is as below:-

“In the meanwhile, the respondents are restrained from alienating/transferring/selling/mortgaging the suit property or changing its nature or title till further orders. The petitioner will not be dispossessed from the 2nd floor of the house No.123, Sector 20-A, Chandigarh. There will be restraint order of further transfer of booth No.3, Sector 27-D, Chandigarh and booth No.37, Sector 31-C, Chandigarh.”

The petition stands disposed of accordingly.

March 09, 2015.
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[Dr. Bharat Bhushan Parsoon]
Judge