

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

Civil Revision No.4999 of 2015 (O&M)

Date of decision: 07.08.2015

Dharampal and another

.... Petitioners

versus

Deedar Singh Sekhon and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. S.S. Dinarpur, Advocate,
for the petitioners.

Mr.Nitin Jain, Advocate,
for respondent No.1.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. Notice of motion. Respondent's counsel takes notice.

With consent of parties, the revision petition is itself taken up for disposal.

2. The petitioner, who has missed the bus and allowed for continuance of trial to take place to its full gamut and brought to a stage of arguments, would want the proceedings stalled by reference to yet another suit filed at his instance in respect of same property.

The virtue pleaded is that he was himself responsible for not taking steps earlier and if specific directions are given for quick disposal,

that should meet the ends of justice. In my view, he pleads for travesty of justice for a trial which is completed and which should go for its culmination to be stopped for being heard along with yet another suit which suit will continue for another few years. The plaintiff, who knew about his own suit in the very same court, ought not to have allowed for the trial of the suit brought by the first respondent to commence or to conclude before he brought the attention of the court to his suit for a joint trial. The courts act at all times on the representation of counsel or parties and the guidance that they are capable of giving. It is only natural that the parties or their counsel know their case better than the court can know before a trial begins. It was absolutely essential for the petitioner as a plaintiff in his own suit to know that yet another suit filed by the first respondent in respect of the same subject matter would have a bearing if the case must head for a conclusion before his suit commences or if his suit were to be taken independently of the suit instituted by the first respondent.

3. Under the normal circumstances, I would have allowed for a joint trial to take place but here is a situation where the counsel who takes notice for the first respondent is present in court points out that the suit filed by the first respondent is at the stage of arguments and 6 opportunities have been taken for arguments and it is posted for arguments on 10.08.2015. In respect of the petitioner's

own suit filed, it is only in the process of the plaintiff's side and the defendant's side has not even commenced. I will not find this to be exigent to make any direction for a joint trial at this point of time.

4. I am not impressed with an argument that there could be a direction for disposal of the case within a stipulated time. It is a common experience that happens every so often that directions for disposal are not being followed by subordinate courts for reasons best known to them. Applications for seeking for extension come from Presiding Officers pointing out to several variables such as unavailability of time, inability of counsel to carry on with the trial and the boycott of courts as frequently as one can conceive of. It is a meaningless exercise for a High Court to set an agenda of time frame every now and then on ad hoc basis. Till we evolve a joint strategy as an institution to make possible quick disposal of cases within the stipulated period, ad hoc directions will carry no meaning. Civil revision is dismissed.

(K.KANNAN)
JUDGE

07.08.2015
sanjeev