IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.6023 of 2016
Date of Decision: 26.09.2016

Shobhini Gupta **.....Petitioner**

Versus

Dhiraj Jain **.....Respondent**

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Aditya Jain, Advocate
for the petitioner.

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RAJ MOHAN SINGH, J.(Oral)

[1]. In view of nature of order which this Court proposes to pass, there is no necessity of issuing notice to the respondent as no prejudicial order to the interest of the parties is being passed.

[2]. Provisions in terms of Section 21-B of Hindu Marriage Act appears to be somewhat analogous to Order 17 Rules 1 and 2 and sub Rules (a) to (e) of CPC wherein onerous duty is cast upon the Court to commence the hearing of the suit from day to day bases until the witnesses in attendance have been examined. Court can only adjourn the hearing beyond the following day for the exceptional reasons to be recorded.

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Provisions in terms of Order 17 Rule 2, sub Rules (a) to (e) are somewhat stringent in nature, which even prohibit the adjournment even if, the learned counsel for the party is engaged in another Court. The local amendment made in sub Rule 3 of Order 17 of CPC further prescribes that the Court shall proceed with the suit forthwith where sufficient cause is not shown for grant of an adjournment under the aforesaid sub Rule 1.

[3]. In terms of Section 21-B of Hindu Marriage Act, the time prescribed for deciding the case is 6 months from the date of service of notice of the petition on the respondent. The petition was filed on 26.10.2015. Even period of 6 months has already been expired from the date of service of respondent.

[4]. Provisions in terms of Order 17 sub Rules 1 and 2 of CPC came to be interpreted by the Hon'ble Apex Court in ***Shree Vardhman Rice and General Mills Vs. Amar Singh Chawalwala, 2009(2) CTMR 340 (SC)*** and ***Bajaj Auto Ltd Vs. TVS Motor Company Ltd, 2009(2) CTMR 326 (SC)*** in the context of applicability of provisions in certain categories of cases like Copyright Act, Intellectual Property Act and other Trade Marks Act.

[5]. Looking to the facts and circumstances of the case, it would be just and expedient to direct the trial Court to make all

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possible endeavour to decide the pending case as expeditiously as possible.

[6]. In view of aforesaid, the present revision petition stands disposed of.

September 26, 2016 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking **Yes/No**

Whether reportable **Yes/No**

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