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

Civil Revision No.7222 of 2016

Date of Decision: 26.10.2016

AGYA KAUR & ANR

.....Petitioners

Vs

UTTAR HARYANA BIJLI VITRAN NIGAM LTD AND ORS

.....Respondents

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

Present: Mr. Vikram Bali, Advocate
for the petitioners.

RAJ MOHAN SINGH, J (Oral)

[1]. Petitioners have filed this revision petition against the order dated 10.10.2016 passed by Additional Civil Judge (Sr. Divn.) Panchkula vide which the application for preponing the case was declined and the second prayer for deciding the application for stay expeditiously was not commented upon.

[2]. Petitioners filed a suit for declaration to the effect that they were entitled for compassionate assistance and service benefits of the deceased Devinder Singh in equal shares with proforma defendants.

[3]. On 29.07.2016, defendant Nos.1 and 2 appeared. Defendant No.3 was not served on the date fixed. Fresh notice

was issued to defendant No.3 for 01.09.2016. On the adjourned date i.e. 01.09.2016, the case was fixed for filing written statement and reply to stay application on behalf of defendant Nos.1 and 2. The application under Order 6 Rule 17 CPC had already been filed on 30.07.2016. The case was adjourned to 05.10.2016 for filing reply to the aforesaid application under Order 6 Rule 17 CPC.

[4]. On 05.10.2016, both the parties were *ad idem* that there were chances of compromise. The case was adjourned on joint request of the parties for 08.10.2016 for compromise before the Lok Adalat. The compromised could not be materialised. The case was adjourned to 23.11.2016 for filing reply to the application for amendment as well as application under Section 151 CPC.

[5]. The prayer for preponing the date of hearing of the case was declined by the trial Court on 10.10.2016 on the ground of pendency of old cases and application for interim relief was not commented upon.

[6]. Learned counsel for the petitioners has confined his prayer only to the extent of deciding the application under Order 39 Rules 1 and 2 CPC on some early actual date, keeping in view the facts and circumstances of the case.

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

[8]. This revision petition is disposed of by directing the trial Court to take up the application under Order 39 Rules 1 and 2 CPC for deciding the same expeditiously on the date already fixed or within a period of two weeks thereafter.

October 26, 2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes / No

Whether reportable Yes / No