

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CR No.3379 of 2015 (O&M)

Date of decision: 23.08.2017

Varinder Karwa

..... Petitioner

Versus

Lalit Karwa

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Kavita Arora, Advocate, for
Mr. Sameer Sachdeva, Advocate
for the petitioner.

Respondent ex parte.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in revision petition against the order passed by the trial Court while deciding an application under Order 39, Rule 1 and 2 confirmed in the appeal by the Additional District Judge on 12.02.2015.

This Court while issuing notice of motion on 18.05.2015 passed the following order:-

“Dispute appears to be amongst real brothers regarding construction which is being raised on the first floor of joint house belonging to the parties without prejudice to the rights of other co-sharers.

Notice of motion for 17.7.2015.

Meanwhile, renovation/construction raised by the petitioner, if any, would be at the risk and responsibility of the petitioner and shall be subject to final decision of the present revision petition.”

Even after service of notice, no one has put in appearance on behalf of the respondent-plaintiff.

The suit was filed on 22.08.2012 and it is already more than five year old.

The interim order passed by this Court has continued for more than two years.

Keeping in view the aforesaid position, this petition is disposed of with the following directions:-

1. The interim order passed on 18.05.2015 would continue during the pendency of the suit.
2. The trial Court shall decide the suit after granting two effective opportunities each to the plaintiff and the defendant. The trial Court is requested to conclude the trial of the suit within a period of six months from the date of receipt of copy of this order.

Revision petition is disposed of.

23.08.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No