

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

CR No.2998 of 2017

Date of decision: 28.04.2017

Simmi Jindal

... Petitioner

Versus

Malkeet Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Harsh Goyal, Advocate for the petitioner.

ARUN PALLI J. (Oral)

This is a petition under Article 227 of the Constitution, for issuance of an appropriate and necessary direction to Civil Judge (Jr. Divn.), Ludhiana, to decide the application moved by the petitioner-defendant under Order 7 Rule 11 of the Code of Civil Procedure within a specified time.

Learned counsel for the petitioner submits that petitioner-defendant had moved the application (Annexure P2) for rejection of the plaint as back as on 10.12.2015 and even though the plaintiff has filed reply thereto, it continues to await adjudication.

Having heard the learned counsel for the petitioner , I am of the view that if the petitioner is indeed aggrieved on account of the delay that purports to have occurred owing to the pendency of the application since December 2015, she ought to have made the prayer before the Court, that is in seisin of the dispute, in the first instance.

Thus, at this stage, the revision petition is disposed of with a liberty to the petitioner to move an application or make an appropriate prayer to the Court that is seized of the matter. And in the event any such prayer is made, the same shall be considered and Court shall follow the appropriate course.

(Arun Palli)
Judge

April 28, 2017
Rajan