

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4312 of 2017

Date of Decision: 06.07.2017

Darshan Singh

.....Petitioner

Vs.

Sushil Kumar and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.V.K.Kaushal, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

This petition has been filed under Article 227 of the Constitution of India seeking direction for expeditious trial and decision in civil suit No.43/16 for permanent injunction restraining the defendant-petitioner not to transfer alienate or changing the nature of the suit land as described in plaint (Annexure P-1) in a time bound manner.

Learned counsel for the petitioner has referred to sale deed (Annexure P-4) to contends that respondent No.1 filed suit for permanent injunction on 04.03.2016 and upon notice defendant No.1 appeared on 11.04.2016 and made a statement that he is ready to execute the sale deed as per the terms and conditions of the agreement and plaintiff may be directed to get the sale deed executed within one week. On 12.04.2016 case was adjourned for 06.05.2016 and on that date plaintiff/respondent No.1 was directed to bring balance consideration and the defendant-petitioner was directed to bring Rs.25,50,000/- on 16.07.2016 to get the suit property redeemed as the petitioner could not bring the money due to financial crunch,

trial Court directed the parties to maintain the status quo and after filing the replication issues were framed on 18.02.2017 and the case was adjourned to 12.04.2017 for the evidence of the plaintiff and till today neither any witness has been appeared nor examined and the case has been adjourned for 06.07.2017 for the report of local commissioner. Learned counsel for the petitioner further submits that property of the petitioner was mortgaged with the bank and as per writing dated 13.12.2013 the respondent has to pay the balance consideration before the execution of the sale deed so that petitioner could get the clearance from the bank and the respondents could not fulfill the terms and condition of the agreement to sell due to that petitioner was not in a position to redeem the suit land and to get clearance from the bank. It is pertinent to mention here that the loan amount is increasing day by day as now the penal interest has been charged on the loan account and to pay the loan petitioner agreed to sell his land. He further submits that direction may be issued for expeditious trial and decision in civil suit in a time bound manner.

In view of the above, the present revision petition is disposed of with a direction to the trial Court to refer the above said matter to the ADR Centre so that dispute can be resolved amicably between both the parties.

(RITU BAHRI)
JUDGE

06.07.2017
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No