

**CR No.1253 of 2017 (O&M)**

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

**CR No.1253 of 2017 (O&M)**

**Date of decision:09.03.2018**

Mohan Singh and others

... Petitioners

Vs.

Harwinder Kaur Walia and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Rakesh Kumar, Advocate  
for the petitioners.

**AMIT RAWAL J. (Oral)**

**C.M.No.4597-CII-2018**

Prayer in the application is for correction in the head note and prayer clause of the present petition, whereby, prayer has wrongly been made for setting aside the order dated 09.09.2016 (Annexure P-4) passed by the Additional Sessions Judge, Kapurthala instead of Additional District Judge, Kapurthala.

In view of the aforesaid, the application is allowed and prayer & head note be read for setting aside the order dated 09.09.2016 (Annexure P-4) passed the Additional District Judge, Kapurthala instead of Additional Sessions Judge, Kapurthala.

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The present revision petition is directed against the order dated

06.07.2015 (Annexure P-3) vide which, the trial Court while disposing of the application filed under Order 39 Rules 1 and 2 read with Section 151 of Code of Civil Procedure (in short “CPC”), granted the status quo qua the suit property in the suit for declaration instituted by respondent No.1-plaintiff claiming that plaintiff and defendants are the owners in equal share to the extent of 1/6<sup>th</sup> share each in the land left by late Bahadur Singh and order dated 09.09.2016 (Anneuxre P-4), whereby, the appeal preferred against the aforesaid order, was dismissed.

Mr. Rakesh Kumar, learned counsel for the petitioners submitted that petitioners are the owners and the status quo order is not only onerous, much less resulted into hardship as owing to the agricultural land, agriculturist may require the land and only the property which can be mortgaged is the suit property. The trial Court failed to appreciate the fact that the respondent-plaintiff has not been able to bring the case within the parameters of Order 39 Rules 1 and 2 CPC. The respondent-plaintiff is 80 years old and unnecessarily harassing the defendants, i.e., brothers, particularly when Bahadur Singh before his death executed a registered Will dated 15.04.1987 in favour of the petitioner-defendants and thus, there is illegality and perversity in the impugned orders.

I have heard the learned counsel for the petitioner-defendants and appraised the paper book.

Before I could render the findings on merits, put a specific question to Mr. Rakesh Kumar, Advocate regarding status of the suit, for, perusal of the impugned orders reveal that suit was instituted in the year

2013 and it has been brought to the notice of this Court that the matter is listed for respondent-plaintiff's evidence.

Without commenting upon the merit and de-merit of the matter, I deem it appropriate to dispose of the present revision petition while upholding the orders under challenge by issuing a direction to the trial Court to expedite the trial of the suit as expeditiously as possible preferably within a period of 10 months from the date of receipt of a certified copy of this order.

It is made clear that parties shall not delay the adjudication of the matter by taking unnecessary adjournments.

Resultantly, the revision petition stands disposed of.

(AMIT RAWAL)  
JUDGE

March 09, 2018  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |