

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

133

CR No.3977 of 2017
Date of decision: 03.05.2018

Amrit Kanta Juneja and others

..... Petitioners

Versus

Baldev Krishan and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tushar Sharma, Advocate
for the petitioners.

Mr. O.P. Sharma, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Defendants-petitioners have filed this revision petition. A suit for partition is pending before the learned trial Court. Initially, a suit for injunction was only filed. However, noticing that the parties are co-owners, this Court directed the plaintiff-respondent to file a suit for partition. That order was a conditional order. Thereafter, once again this order was clarified vide order dated 11.04.2016.

It is the contention of the petitioners that the order passed by this Court on 19.12.2015 and 11.04.2016 have not been complied with in letter and spirit. He contends that the suit filed by the plaintiff for partition does not include the entire joint area.

On the other hand, learned counsel for the respondent-plaintiff points out that at this stage, without recording evidence, finding to that effect cannot be arrived at. He submits that the plaintiff has already

included the area which was joint between the parties.

Keeping in view the controversy involved, this Court is of the view that rather than finally opining on the correctness of the order passed by the learned trial Court, it would be more appropriate if the learned trial Court is requested to expeditiously dispose of the suit as it is pending for the last more than four years.

Learned counsel for the parties are also agreed that they would make sincere efforts to get the suit expeditiously disposed of by cooperating with the Court.

In view of the aforesaid position, the learned trial Court is directed to dispose of the suit by granting short adjournments, within a period of one year, from the date of receipt of a certified copy of this order.

Revision petition is disposed of.

03.05.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No