

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

CR No.4970 of 2018

Date of Decision : 06.08.2018

Avtar Singh

...Petitioner

Versus

Dharmik Asthan and Shamshan Ghat Sudhar Committee and another

...Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Gopal Soni, Advocate for the petitioner.

B.S.WALIA, J.

1. Sole prayer of learned counsel for the petitioner is for issuance of directions to the learned Civil Judge (Junior Division), SBS Nagar, Nawanshahr, to decide the application filed by the petitioner-plaintiff under Order 39 Rules 1 and 2 read with Section 151 CPC, pending before it.
2. Brief facts of the case leading to the filing of the instant revision petition are that the petitioner had filed a civil suit against respondent/defendant No.1 Dharmik Asthan and Shamshan Ghat Sudhar Committee, Rahon, Tehsil Nawanshahr, District SBS Nagar for permanent injunction for restraining the respondent/defendants themselves or through anybody else from raising any sort of construction over land measuring 36 Kanals 6 Marlas comprised in Khata No.2795, bearing Khasra No.536 (36-6), as per fard jamabandi for the year 2008-2009 situated in the revenue limits of Rahon, Tehsil Nawashahr, District SBS Nagar forcibly and illegally, as also for mandatory injunction for directing the respondent/defendants to remove construction, illegally raised by them over

the suit land. The aforementioned suit was filed along with an application under Order 39 Rules 1 and 2 read with Section 151 CPC.

3. Grievance of the petitioner is that although application under Order 39 Rules 1 and 2 read with Section 151 CPC is pending before the Court of the learned Civil Judge (Junior Division), SBS Nagar, since more than six months, the same has not been decided till date. Learned counsel states that the petitioner would be satisfied if the revision petition is disposed of by directing the learned Civil Judge (Junior Division), SBS Nagar to consider and decide the application under Order 39 Rules 1 and 2 read with Section 151 CPC expeditiously in a time bound manner.

4. I have considered the submission of learned counsel and for the view that I am taking, I do not deem it appropriate to issue notice to the respondents, as the same would unnecessarily delay not only the final disposal of the instant revision petition but also the civil suit pending before the learned Civil Judge (Junior Division), SBS Nagar.

5. Taking into account all aspects of the matter, I deem it appropriate to dispose of the revision petition by directing the learned Civil Judge (Junior Division), SBS Nagar to consider and decide the application filed by the petitioner under Order 39 Rules 1 and 2 read with Section 151 CPC as expeditiously as possible, preferably within a period of six weeks from the date of receipt of certified copy of this order.

6. Revision petition stands disposed of in the light of the aforementioned directions.

(B.S.WALIA)
JUDGE

06.08.2018

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No