

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

Sr. No.123

C.R. No.4974 of 2018

Date of decision: 06.08.2018

Sardar Bahadar Gajjan Singh Memorial Religious and Charitable Trust,
Ludhiana
....Petitioner

versus

Sarban Singh
....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Article 227 of the Constitution of India, the petitioner seeks a direction to the Trial Court to decide the civil suit filed by the petitioner on 29.04.2011 in a time bound manner.

The facts in brief which have been culled out from the record as also after hearing the learned counsel for the petitioner are that in April 2011, the petitioner had filed a suit seeking therein possession by way of redemption of mortgage deed dated 17.12.1986. Initially, the Trial Court found the respondent to be evading service and thereafter he was proceeded against ex parte. The respondent then moved an application for setting aside of the ex parte proceedings which as per the concession given by the

petitioner was allowed. Thereafter, on 01.10.2014, issues were framed. According to the petitioner, since the respondent was delaying the matter, seeking early disposal of his suit, he filed a petition before this Court being **C.R. No.1632 of 2017 – 'Sardar Bahadar Gajjan Singh Memorial Religious and Charitable Trust, Ludhiana versus Sarban Singh'**, which was disposed of through order dated 06.03.2017. The operative part of such order reads as under:-

“Learned counsel for the petitioner submits that in spite of the abovesaid order passed by this Court, the proceedings of the suit have not made much progress. It is still at the stage of plaintiff's evidence. Petitioner-plaintiff has examined his witnesses, but their cross-examination is being deferred repeatedly and that too without any justified reasons.

In view of the above, present revision petition is disposed of, with a direction to the learned trial Court to make an endeavour to decide the civil suit filed by the plaintiff-petitioner expeditiously so that rights of the parties are crystallized without any unnecessary delay.”

Even after the passage of over one year and five months of the passing of the afore-quoted order of this Court, the petitioner's suit has not been adjudicated upon.

No prejudice is likely to be caused to either parties if a direction is issued to the Trial Court to expeditiously dispose of the petitioner's suit as the parties are interested to get their rights crystallized as soon as possible.

That being so, after acknowledging that speedy justice is a litigant's right and that the present suit has been pending before the Trial Court for over seven years, as also in view of the afore-quoted order of this Court on 06.03.2017, the Trial Court is directed to take all possible steps in

accordance with law to dispose of the petitioner's suit within three months from today.

The petition is allowed in the above terms.

If the respondents are aggrieved by this order, they are given liberty to approach this Court through an appropriate application.

(DEEPAK SIBAL)
JUDGE

August 06, 2018
Jyoti 1

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