

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 384 of 2019

Date of Decision: 18.01.2019

Amrik Singh (since deceased) through LRs

.....Petitioners

Versus

Malkiat Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Prateek Pandit, Advocate
for the petitioners.

AVNEESH JHINGAN, J.(oral)

The present civil revision petition under Article 227 of the Constitution of India has been filed seeking direction to the learned trial Court for expeditiously deciding the application of the petitioner for passing of the final decree in suit tilted as "Amrik Singh Versus Malkiat Singh and others" bearing No. FD-13/2016 dated 22.4.2016 pending before Civil Judge, (Junior Divison), Jalandhar.

A suit for partition was filed. The same was decreed on 18.12.2015. Thereafter on 22.4.2016 the petitioner filed an application for passing of final decree, the same is pending. A direction has been sought to decide the same expeditiously.

No case is made out for passing such direction as from the perusal of zimni orders annexed with the petition, it is evident that service of non-applicants was not complete even upto 18.4.2017. The publication of service on defendants No. 5 to 8 was received back on the said date. Thereafter an application was filed by non-applicants for rejection of the application filed by the petitioner. Upto 9.8.2017 the petitioner had not filed

reply to the said application insptie of availing more than three opportunities. The Court decided the application without reply as stated by the petitioner. Thereafter, non-applicants were proceeded ex-parte.

During the proceedings, in the application, an application under Order 9 Rule 7 CPC was moved for setting aside the ex-parte order on 26.09.2017. The petitioner/applicant did not file reply to the said application for almost eight months i.e. from 26.9.2017 to 25.5.2018. The reply was ultimately filed on 12.12.2017. After that on some of the occasions, the case was adjourned as none appeared for the applicants. There is nothing on record to show that the matter is not being appropriately handled by the Court below. No delay is attributed to the functioning of the learned lower Court. There is no doubt that in case the parties cooperate, the Court shall decide the cases expeditiously.

No case is made out for issuing any direction.

The civil revision petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

18.01.2019
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No