

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

**CR No.1822 of 2019
Date of Decision: 15.03.2019**

Gurdev Kaur and another

..... Petitioners

versus

Mander Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. H. S. Bhullar, Advocate
for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

1. This is a petition under Article 227 of the Constitution of India seeking a direction upon the Court of the Ld. Civil Judge (Junior Division), Faridkot to dispose off the pending application dated 21.01.2019 filed on behalf of the petitioners-defendants (Annexure P-2) expeditiously.

2. The record shows that the original suit was filed on 24.05.2016. After commencement of the trial, the matter came up for evidence of the plaintiffs' side in or around the month of February, 2017. On 10.07.2017, two witnesses from the plaintiffs' side were examined and the matter thereafter, deferred for their cross examination. Since then, the cross examinations of these witnesses has not been completed for various reasons. In the meantime, the plaintiffs' side filed an application on 20.08.2018 with a prayer to substitute an affidavit of PW-2 Balour Singh or to permit the plaintiff to submit an additional affidavit, at a stage when cross examination of the said witness had not started. The said application remained undisposed off. Subsequently, on 21.01.2019, the petitioners-defendants filed their own application (Annexure P-2) seeking closure of the plaintiffs'

evidence on the ground of inordinate delay occasioned for this purpose.

3. In view of the order, this Court intends to pass, there is no need to issue any notice upon the respondents-plaintiffs, as such a course would result in further delay, which is otherwise avoidable.

4. The matter is, therefore, disposed off with a direction upon the Ld. Trial Court to pass a speaking order positively on the earlier application dated 20.08.2018, whether or not any reply against the same is filed by that time, and thereafter, to make an endeavour to complete the plaintiffs' evidence after cross examination of the witnesses already examined and examination of any remaining witnesses, as expeditiously as possible, but within a period of seven weeks from the next date fixed i.e. 27.03.2019.

(SUDIP AHLUWALIA)
JUDGE

March 15, 2019

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Whether speaking/ reasoned : Yes/ No

Whether reportable : Yes/ No