

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2264 of 2019

Date of Decision: May 13, 2019

Amar Kumar

...Petitioner

Versus

Salil Narayan

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Ms. Dhivya Jerath, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for exercising superintending powers for issuance of an appropriate direction to the Additional District Judge, Bathinda for expeditious disposal of the Appeal bearing No.312 of 2016 titled as “Salil Narayan Versus Amar Kumar & another” preferred against the judgment and decree of the trial Court, whereby the suit of the respondent-plaintiffs for specific performance of the agreement to sell dated 12.01.2006, has been dismissed.

Ms. Dhivya Jerath, learned counsel for the petitioner submitted that during the pendency of the suit before the trial court, after having availed 27 opportunities, evidence was closed. However, this Court vide order dated 21.08.2015 rendered in Civil Revision No.3023 of 2015, granted one opportunity to lead evidence subject to payment of ₹ 30,000/- as costs. The zimni orders (Annexure P-8) reveal that the appeal was filed in

September, 2016, though on some occasions it was not listed for arguments, but the tenor and mode reveals that there had been perpetual adjournments on behalf of the respondent and application for amendment of memorandum of appeal after addressing arguments in part was also submitted. After its decision, another application under Order 1 Rule 10 CPC was submitted, which has been duly replied, but again perpetual adjournments have been sought. There is lack of exercise of diligence in addressing the arguments and the matter is pending since long. The petitioner is 78 years of age and pendency of the appeal is causing recurring anxiety, and, thus, urged this Court for issuance of appropriate directions for expeditious disposal of the appeal.

I have heard the learned counsel for the petitioner, appraised the paper book and zimni orders (Annexure P-8).

Though the appeal was registered in September, 2016, but on many occasions was not listed for arguments by the Additional District Judge. On 27.07.2017 arguments were not addressed and on 06.11.2017 counsel for the appellant sought time to move an application for raising additional plea in the memorandum of appeal. Reply was filed on the next date and the appeal thereafter was perpetually adjourned and ultimately part arguments were addressed on 18.05.2018. Vide order dated 17.07.2018, Additional District Judge allowed the application and imposed costs of ₹10,000/-. On adjourned date, the proxy counsel sought the adjournment on account of non-availability of the arguing counsel and again on 18.09.2018 did not address the arguments and when the appeal was listed on 27.09.2018, an application under Order 1 Rule 10 CPC was filed, which was immediately replied and thereafter the appeal is pending for addressing

arguments on 05.04.2019. The next date is 29.05.2019. All these zimni orders reveal that the respondent apparently made concerted effort in delaying the adjudication of the appeal.

For the reasons aforementioned, I dispose of the present revision petition with a direction to the Additional District Judge, Bathinda to decide the appeal and all pending applications within a period of three months from the date of receipt of certified copy of the order.

May 13, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No