

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 113

Case No. : CR No. 2536 of 2019 (O&M)

Date of Decision : May 08, 2019

Rattan Lal Sahnan Petitioner
vs.
Asha Rani and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Mandeep Kaushik, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral) :

Through the present petition filed under Article 227 of the Constitution of India, the petitioner seeks issuance of a direction to the Additional District Judge, Ludhiana (for short – the Appellate Court) to expeditiously dispose of the petitioner's application filed by him under Order 41 Rule 27 CPC as also the appeal filed by him against the judgment and decree dated 21.05.2014 passed by the Civil Judge (Junior Division), Ludhiana (for short – the Trial Court).

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition, are that the petitioner filed a suit seeking therein to be declared joint owner in possession to the extent of 1/6th share in the property detailed and described in the head note of the plaint (for short – the suit property). Will of Sohan Lal Sahnan dated 11.07.1997

set up by respondent no. 1 – Asha Rani was also challenged. Permanent injunction to restrain the respondents from alienating the suit property in any manner was also sought.

On being put to notice, the respondents appeared before the Trial Court and contested the petitioner's suit. Thereafter, the Trial Court framed issues and after considering the evidence led by both the parties as also the arguments raised at the Bar, through judgment and decree dated 21.05.2014, dismissed the petitioner's suit. The petitioner filed an appeal against the aforesaid judgment and decree on 23.07.2014, which, even after the passage of nearly 05 years, is still pending. While the appeal was pending, on 11.08.2016, the petitioner filed an application under Order 41 Rule 27 read with Section 151 CPC to place on record additional evidence. Such application is also pending adjudication by the Appellate Court for over 02 years and 08 months.

Learned counsel for the petitioner has been heard.

A perusal of the interim orders passed by the Appellate Court shows that the Appellate Court has been rather lenient in accepting the requests made by learned counsel for the parties for adjournment. Resultantly, the petitioner's appeal has been lying pending before the Appellate Court for the last about 05 years and his application for additional evidence for more than 02 years and 08 months.

Every citizen has a right to speedy justice and considering the facts of the present case, it is found that there is unnecessary delay in the disposal of the petitioner's appeal as also his application to place on record

additional evidence. That being so, the Appellate Court is directed to dispose of the petitioner's appeal filed by him against the judgment and decree of the Trial Court dated 21.05.2014 expeditiously but not later than two months from the date of receipt of a certified copy of this order and before or at the time of disposal of appeal, the Appellate Court shall also take a decision on the petitioner's application filed by him under Order 41 Rule 27 read with Section 151 CPC in accordance with law.

The petition is disposed of in the above terms.

If the respondents are aggrieved by passing of the present order, they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

May 08, 2019
monika

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>