

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

Sr. No.110

C.R. No.3493 of 2019

Date of decision: 27.05.2019

Manjit Singh @ Arshnoor Sohi

....Petitioner

versus

Mann Singh Garcha

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Article 227 of the Constitution of India for issuance of a direction to the Trial Court to take a decision in a time bound manner on the application filed by respondent/plaintiff under Order 39 Rules 1 and 2 CPC filed by him alongwith his suit being CS-301 of 2018 – Mann Singh Garcha vs. Manjit Singh @ Ashnoor Sohi.

In January 2018, the respondent filed a suit seeking therein possession of 605 sq. yds. of land detailed and described in the head note of his plaint. Such claim was based on an agreement dated 30.05.2017 allegedly executed between the parties. Permanent injunction to restrain the petitioner from alienating and changing the nature of the suit property was also sought. Alongwith the suit, an application under Order 39 Rules 1 and 2 CPC was also filed. In the above suit as also the application filed by the respondent, on 20.01.2018, the Trial Court issued notice to the

petitioner, who was the defendant in the suit. The petitioner appeared before the Trial Court and filed reply to the application filed by the respondent under Order 39 Rules 1 and 2 CPC. Thereafter, written statement to the main suit was also filed. The matter is now listed for 04.07.2019 for decision on the respondent's stay application filed by him under Order 39 Rules 1 and 2 CPC.

The interim orders passed by the Trial Court reveal that the respondent's application filed by him under Order 39 Rules 1 and 2 CPC has been pending for the last about 1 ½ years and on several occasions, the matter has been found to have been adjourned unnecessarily.

In the view of the above, the Trial Court is directed to take a final decision on the respondent's application filed by him under Order 39 Rules 1 and 2 CPC on 04.07.2019 or within two weeks thereafter in accordance with law.

The petition is allowed in the above terms.

If the respondent is aggrieved by passing of the present order he is at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

May 27, 2019
Jyoti 1

Whether Speaking/reasoned
Whether reportable

Yes/No
Yes/No