

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

**Civil Revision No.66 of 2019 (O&M)
Date of Order:10.01.2019**

Pritam Singh and others

..Petitioners

Versus

Jagraj Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Inderjit Sharma, Advocate,
for the petitioners.

ANIL KSHETARPAL, J(Oral)

Prayer of the defendants for treating the issue of maintainability as a preliminary issue, has been rejected by the impugned order passed by the trial court.

The learned trial court has held that the issue of maintainability can only be decided after appreciation of evidence to be led by the parties.

Learned counsel for the petitioners submitted that the suit is not maintainable in view of proviso to Section 34 of the Specific Relief Act, 1963 as further relief of possession has not been prayed.

This court has considered the submission. However, in the absence of evidence, it would not be correct for this court to decide this issue. In any case, the suit is pending for the last more than 2 years. Normally the Civil Courts in Punjab, decide the suit within 3 years.

Keeping in view the aforesaid facts, it would be more appropriate, if the trial court is requested to make sincere efforts to decide

the suit within a period of one year.

With these observations, the revision petition is disposed of.

January 10, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No