

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

Sr. No.119

CRM-M-37397-2021

Date of Decision: 16.11.2021

ANJALI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Bangar, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Harsimran Singh Sethi, J.(Oral)

The present petition has been filed for directing the trial Court to conclude proceedings in the application filed by the petitioner under Section 12 of the Domestic Violence Act in Civil Suit No.65 of 2016 in a time bound manner as pendency of the application is causing prejudice to the petitioner.

Learned counsel for the petitioner argues that the complaint was being adjourned to secure the presence of the respondent whereas, respondent No.1 had already been served and his counsel was appearing and hence, there was no further need to secure the personal appearance of respondent No.1 to decide application.

On 10.09.2021, this Court passed the following order:-

“The petitioner has filed the instant petition seeking direction to the trial Court to conclude the application under Section 12 of DV Act. It is pointed out that the matter is being adjourned unnecessarily by the court below by showing that

Rakesh Lote (respondent No.1 before the court below) has not been served, whereas the zimini order itself would reflect that Balbir Singh counsel is appearing for respondent No.1. Reference in this regard is made to Annexure P-16.

Let a report be called for from the JMJC concerned, for hearing on 16.11.2021.”

In pursuance to the said order, a report has been received from the Judicial Magistrate Ist Class, Karnal wherein, explanation has been tendered that though, respondent No.1 was served but the then Judicial Magistrate Ist Class, Karnal, had passed an order on 30.03.2019 seeking personal appearance of respondent No.1, which order was not being complied with, so it took more time than the required to conclude the proceedings. In the report, it has been mentioned that all the efforts will be made to decide the application expeditiously.

Keeping in view the above, the present petition is disposed of with the direction to the trial Court to conclude the proceedings within a period of six months from the next date of hearing fixed before the trial Court. By way of abundant caution, it is stated that due procedure as envisaged under law be adopted while concluding the proceedings.

Disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

16.11.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No