

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

**CR-2535-2020 (O&M)
Date of Decision:23.02.2021**

Rajeev Kashyap

... Petitioner

Versus

Sushmita Kashyap

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rajiv Kataria, Advocate for the Petitioner.

Mr. Sahil Shori, Advocate for the respondent.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner herein instituted a suit for mandatory injunction against the respondent (wife of the petitioner) to hand over vacant possession of two rooms with attached toilet and backside with kitchen and washroom of House No.5801, HIG (Upper), Ground Floor, Sector 38 (West), Chandigarh. Vide order dated 10.09.2019, respondent herein was proceeded *ex-parte* by the trial Court. Vide judgment dated 09.01.2020, suit filed by the petitioner herein was decreed.

Instant revision petition has been filed against the order dated 05.10.2020 passed by the Civil Judge (Jr. Division), Chandigarh, whereby an application preferred by the respondent for setting aside the *ex-parte* order dated 10.09.2019 and judgment/decreed dated 09.01.2020 has been allowed.

Instant revision petition came up for preliminary hearing before this Court on 23.11.2020 and statement of learned counsel representing the petitioner was taken note of that he would not be assailing the impugned order on merits but would confine the scope of the instant revision petition as regards issuing of directions to the trial Court to decide the suit within a stipulated time frame.

Accordingly, notice of motion was issued on such limited aspect.

Mr. Sahil Shori, learned counsel has entered appearance on behalf of the respondent.

Counsel for the respondent does not oppose the limited prayer recorded on behalf of the petitioner at the stage of issuing notice of motion. He urges that a time frame of 18 months would be reasonable for the trial Court to decide the lis.

Keeping in view the fact that it is essentially a dispute between the husband and wife and the suit had been instituted in the year 2019, the instant revision petition is disposed of with a direction to the trial Court to decide the suit for mandatory injunction instituted by the husband/petitioner herein positively within a period of one year from today.

Petition is disposed of.

It is clarified that this Court has not examined the issue of merits.

23.02.2021

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

1. Whether speaking/reasoned? Yes/No

2. Whether reportable? Yes/No