

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3171 of 2021

Date of Decision: 07.12.2021

Dr. (Mrs.) Veena Anand

... Petitioner(s)

Versus

M/s G.S.M. Technologies Private Limited

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Akshay Bhan, Senior Advocate
with Mr. Dharam Bir Bhargav and Mr. Rohit Nagpal,
Advocates, for the petitioner(s).

Mr. R.K.Handa, Advocate
for the respondent.

Anil Kshetarpal, J.

1. A civil suit for specific performance of the agreement to sell is pending before the trial Court. During the pendency of the suit, the parties entered into an alleged settlement and filed an application under Order XXIII Rule 3 CPC to dispose of the suit in terms thereof. It has further been stated that the statements of the parties have been recorded on 30.09.2021. Despite that, the Court has adjourned the case to 02.02.2022.

2. Through this revision petition, the petitioner (the plaintiff before the trial Court) prays for issuance of an appropriate direction to the trial Court to dispose of the suit or to refer it to the Daily Lok Adalat.

3. Once an application under Order XXIII Rule 3 CPC has been filed and the parties have also made a statement to that effect, the Court is

required to pass an order on the application, forthwith.

4. While deciding the application under Order XXIII Rule 3 of CPC, the Court, after looking into the facts and circumstances of the case, does have the discretion to pass any order. However, it is not appropriate for the Presiding Judge to defer the disposal of the application for a future date, unless there are compelling reasons to do so.

5. Keeping in view the aforesaid facts, the revision petition is disposed of while granting an opportunity to the petitioner or the respondent, as the case may be, to file an appropriate application before the trial Court for advancing the date of hearing and passing an order, in accordance with law, on the application under Order XXIII Rule 3 CPC.

6. With the observations made above, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

December 07, 2021
“DK”

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