

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

CR-516-2022

Date of decision: 15.02.2022

M/S B S MURGA AND MACHHLI FARM	...Petitioner
V/S	
MUNICIPAL COMMITTEE, SAFIDON AND ANR	...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. J.C. Malik, Advocate,
for the petitioner.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India is for directing the trial Court to decide the pending application dated 27.10.2021 (Annexure P-6) under Order 39 Rule 1 and 2 of the Code of Civil Procedure in Civil Suit 506 dated 28.10.2021.

2. Learned counsel for the petitioner submits that as per provisions of CPC, mandatory period for filing the written statement is 90 days. However, even on expiry thereof, written statement/reply to the stay application has not been filed. He further submits that the approach of the learned trial Court for not deciding the aforesaid application despite the fact that more than 12 opportunities have been afforded by respondent No.1 for filing the reply in the main case as well as the reply to the stay application is not in accordance with law.

3. I have heard learned counsel for the petitioner and perused the case file.

4. Ordinarily, this Court would not have interfered just because there is a delay in disposing of the pending application under Order 39 Rule

1 and 2, being conscious that the Courts below are working under certain

restrictions due to current pandemic. However, since the petitioner has lost his livelihood on account of his shop having been sealed, it is expected that the trial Court shall take up the pending application under Order 39 Rule 1 and 2 CPC on priority and dispose of the same within three months from today.

5. Disposed of accordingly.

(ARUN MONGA)
JUDGE

February 15, 2022
Vandana

Whether Speaking/reasoned:	Yes/No
Whether reportable:	Yes/No