

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

CR-3645-2022 (O&M)

Date of Decision: September 05, 2022

Sanjay Kumar

...Petitioner

VERSUS

DLF Limited and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Vivek Goyal, Advocate
for the petitioner.

ARCHANA PURI, J.

CM-11198-CII-2022

In view of the averments made in the application, the same is allowed.

CR-3645-2022

Challenge in the present revision petition is to the order dated 10.08.2022 passed by learned Civil Judge Jr. Divn., whereby, an application filed by the petitioner under Section 151 CPC, for early hearing of the suit, has been dismissed.

It is submitted by learned counsel for the petitioner that petitioner had filed a suit for declaration with consequential relief of permanent injunction on 19.12.2018. The copy of the plaint is Annexure P-2. Along with the suit, he had filed an application under Order 39 Rule 1 and 2 CPC, copy whereof is at Annexure P-3. However, no order was

passed by the Court concerned, vis-a-vis, the interim injunction, as sought for. In pursuance of the notice issued by the Court, the defendants had made appearance. Defendant No.3 filed an application under Order 7 Rule 11 CPC. Even, an application for rejection of plaint (Annexure P-5) was filed by defendant No.1. Replies to both the said applications was filed by the present petitioner, but still the applications under Order 7 Rule 11 CPC have not been decided.

Learned counsel for the petitioner submits that even, the petitioner had filed multiple applications for early hearing. However, he submits that the impugned order has been passed on the latest application under Section 151 CPC, which is Annexure P-10. Further, learned counsel for the petitioner submits that next date fixed is 28.09.2022, but however, as evident, from the impugned order, solely on the account heavy pendency, the concerned Court is not deciding the applications either under Order 7 Rule 11 CPC or under Order 39 Rule 1 and 2 CPC.

Considering the age of the case, without prejudice to the rights of the parties, to be adjudicated on merits, a request is made to the concerned Civil Judge (Jr. Divn.), to hear the arguments and to decide the applications under Order 7 Rule 11 CPC, within a period of one month, from the date of receipt of copy of this order.

The present revision petition stands disposed of accordingly.

September 05, 2022
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No