

[170] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3870 of 2022

Date of Decision :23.09.2022

Ujjwal Sahrawat ...Petitioner

versus

State of Haryana and Ors.Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Dr. Tammaana R. Sahrawat in person(SPA of petitioner).

B.S. Walia, J. (Oral)

[1] Prayer in the instant petition is for the issuance of directions to the learned Addl. Civil Judge (Sr. Div.), Panchkula for early disposal of Civil Suit No.634 of 2019.

[2] Dr. Tammaana R. Sahrawat, appearing on behalf of the petitioner i.e. her mother states that the petitioner is a senior citizen, widow of an Army Officer and owner of Shop Nos.4 to 10, Sunehri Devi Complex, D-Park, Model Town, Rohtak which was leased out to respondent No.2 in 1981 by Late Smt. Sunehri Devi wife of Late Ch. P.S. Daulta, mother of the petitioner who passed away on 30.11.2009. The property as referred to above was bequeathed in favour of the petitioner by her late mother vide Will duly registered with the Sub Registrar, UT Chandigarh at Sr. No.964, Book No.3, Volume No.199, Page No.151 dated 16.06.1993.

[3] Grievance of the petitioner is that although the respondents vacated the premises in question in March 2012, the same continues to be under their lock and key till date and despite a request having been made to the

respondents in the year 2012, possession of the property was declined by the respondents on the pretext that they did not consider registered Will of the petitioner's late mother as proof of ownership of the petitioner besides the suit property was not in her name. The petitioners contention is that the suit property was duly mutated in her name vide Annexure P/2 whereafter, she again made a representation to the respondents requesting for being handed over vacant physical possession of the suit property as the property was in a very bad, dilapidated condition and needed repairs but the respondents declined the request while demanding a court order to prove the petitioners ownership. It is contended that in the circumstances, the petitioner filed Civil Suit No. 634 of 2019 in September, 2019 and the matter is pending before the learned Additional Civil Judge (Sr. Div.), Panchkula, that application (Annexure P/4) was moved by the petitioner in the said suit for issuance of directions for repair and restitution of the suit property immediately as also to ensure removal of encroachments but said application is pending decision.

[4] It is contended that the petitioner states that petitioner who is a senior citizen, widow of an ex-servicemen is facing acute financial stringency besides harassment because of the action of the respondents, therefore, in the circumstances, makes a limited prayer for issuance of directions to the learned Additional Civil Judge (Sr. Div.), Panchkula for early disposal of misc. application (Annexure P/4) as well as Civil Suit No. 634 of 2019 in accordance with law.

[5] Notice of motion.

[6] Mr. Manish Dadwal, AAG, Haryana accepts notice on behalf

of the respondents and states that he has no objection to the limited prayer of the petitioner.

[7] Accordingly, in view of the position as noted above, it is deemed appropriate to direct the learned Additional Civil Judge (Sr. Div.), Panchkula to take all steps to consider and decide application (Annexure P/4) as moved by the petitioner in accordance with law as expeditiously as possible, preferably within six weeks from the date of receipt of certified copy of the order as also to expedite the trial and decide the civil suit as expeditiously as possible, not later than six months from the date of receipt of certified copy of this order.

[8] Civil Revision disposed of with the aforesaid directions.

23.09.2022

'Amit'

(B.S. Walia)
Judge

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No