

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

Sr. No.135

CR-4007-2022

Date of Decision: 19.09.2022

RANJIT SINGH

...Petitioner

VERSUS

RISHIPAL AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Jagdish Manchanda, Advocate
for the petitioner.

ARCHANA PURI, J.

Present revision petition has been filed for issuance of direction to learned Civil Judge to conclude the trial in Civil Suit No.1626 of 2020, titled as '*Ranjit Vs. Rishipal and others*', within a stipulated reasonable period, as an application filed under Order 39 Rule 1 and 2 read with Section 151 CPC, has not been decided till date.

Facts, as culled out from perusal of the paperbook reveal that initially Ranjit, the present petitioner had filed a suit against Rishipal and others, thereby seeking permanent injunction. At the inception stage, on 30.07.2020, notice was ordered to be issued to the respondents and the case was fixed for 06.08.2020. On 06.08.2020, respondents No.1 to 3 had made appearance, through their private counsel, whereas Government Pleader had made appearance on behalf of respondents No.4 to 6. None had made appearance on behalf of respondent No.7, despite service and the said respondent was proceeded against ex parte.

Thereafter, the case was ordered to be fixed for filing written statement and reply to the injunction application and for this purpose, it remained pending till 27.04.2021. Even, an application for early hearing was filed by the petitioner/plaintiff and notice of the same was issued and finally the said application was allowed, vide order dated 03.01.2022. Since 03.01.2022 despite orders, having been passed, time and again, arguments on the application under Order 39 Rule 1 and 2 CPC have not been heard and the said application still remains pending.

Copies of all the zimini orders since the day of entertainment of the suit, till the last order passed on 17.08.2022, have been placed on record.

As evident from the zimini orders, all the contesting parties had made appearance and still the aforesaid application, is not being decided by the concerned Presiding Officer.

Considering the same, it shall be in the fitness of the circumstances, if a time bound direction is given to the concerned Court to decide the application filed under Order 39 Rule 1 and 2 CPC.

As such, the present revision petition is hereby disposed of with a request to the Court concerned to dispose of the application filed under Order 39 Rule 1 and 2 CPC , expeditiously, preferably within a period of 6 weeks from today onwards.

Present order is being passed without issuing notice to the respondents and without affording them any opportunity of hearing, on account of the time consumed in non-disposal of the application under Order 39 Rule 1 and 2 CPC and this Court has not gone into the merits of the case, one way or the other.

(ARCHANA PURI)
JUDGE

19.09.2022

Himanshu

Whether speaking/reasoned

Yes

Whether reportable

Yes/No