

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

CR-246-2023 (O&M)
Date of decision: 16.01.2023

Gurdial Lamba

...Petitioner(s)

vs

Budh Ram

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gurcharan Dass, Advocate for the petitioner.

NIDHI GUPTA, J.

CM-721-CII-2023

This is an application under Section 151 CPC for grant of permission to place on record documents (Annexure P1 to P4) and exemption from filing certified copies thereof. The application is allowed subject to just all exceptions.

MAIN CASE

Present Revision Petition has been filed seeking directions to the learned Civil Judge (Junior Division), Ludhiana for expediting trial of Civil Suit bearing No.1226 dated 16.03.2021 titled as "Gurdial Lamba Vs. Budh Ram".

It is submitted by learned counsel for the petitioner/plaintiff that the petitioner/plaintiff is a senior citizen who has filed the aforementioned suit for possession of property as described in the Headnote of the plaint, and for mandatory injunction directing the respondent to make payment of mesne profits on account of illegal use and occupation of the suit property at the rate of Rs.10,000/- per month.

It is submitted by learned counsel that a perusal of the zimni orders reproduced in the body of the petition shows that the respondent had appeared in the Civil Suit and i) on 16.04.2021 had sought time to file written statement; ii) on 15.07.2021, respondent filed application under Order 11 Rules 12, 14 and 15 read with Section 151 CPC for directing the petitioner to produce original documents; iii) on 13.10.2021, counsel for the respondent stated orally at bar that he had seen the original documents as mentioned in application dated 15.07.2021 for production of documents and has no objection if the said application for production of documents is disposed of; iv) accordingly, the matter stood adjourned to 17.11.2021 for filing written statement; v) instead of filing written statement, the respondent then moved an application under Order 7 Rule 11 CPC on 25.03.2022.

It is submitted that it is therefore, clear that there is a deliberate effort on part of the respondent to delay the proceedings.

It is further submitted that perusal of zimni orders dated 01.08.2022, 12.08.2022, 16.09.2022, 26.10.2022, 10.11.2022, 29.11.2022 and 15.12.2022 shows that the matter has been adjourned for each subsequent date with the following order :-

“Consideration on application u/O 7 Rule 11 CPC notadvanced today. On request of the counsel for the defendant, the case stands adjourned to for the same”

I have heard learned counsel for the petitioner.

In view of the facts as canvassed above, that the petitioner is a senior citizen, as also the fact that several adjournments have been granted to the respondent/defendant on one pretext or the other, and lately as many as 7 adjournments have been granted to the respondent

just to advance arguments on his application under Order 7 Rule 11 CPC, the present petition is allowed. Accordingly, the learned Civil Judge (Junior Division), Ludhiana is directed that the Civil Suit No.1226 dated 16.03.2021 titled as “Gurdial Lamba Vs. Budh Ram” be heard on a weekly basis, and disposed of expeditiously, preferably within a period of eight months from the date of this order.

This petition accordingly stands disposed of. Pending application(s) if any also stand(s) disposed of.

16.01.2023
Sunena

(Nidhi Gupta)
Judge

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