

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

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CR No.6072 of 2018 (O&M)
DATE OF DECISION : 05th JANUARY, 2023

Ajaib Singh and others

.... Petitioners

Versus

Naresh Kumar and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Varinder Kumar Sandhir, Advocate,
for the petitioners.

Mr. P.S. Jammu, Advocate,
for respondent No.1.

Mr. Sanjeev Soni, Advocate and
Mr. Sarthak Soni, Advocate,
for respondent No.5.

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RAJBIR SEHRAWAT, J. (Oral)

CM-19653-CII-2018

This is an application for impleading Municipal Council,
Rampura Phul as party.

Since, the main case itself is being decided today, therefore,
the present application has been rendered infructuous and is disposed of as
such.

Main Case

This is a revision petition filed under Article 227 of the
Constitution of India for setting aside the order dated 06.07.2018
(Annexure P-3) passed by Additional District Judge, Bathinda, whereby

the order dated 17.08.2016 passed by the Additional Civil Judge (Sr. Divn.), Phul on the application of the petitioners under Order 39 Rules 1 & 2 read with Section 151 CPC filed along with the suit, has been reversed and the application has been dismissed, with certain other prayers made in the present petition.

Since, the present petition is pending before this Court since the year 2018 and even the evidence of the plaintiff has been completed before the trial Court, therefore, the counsel for the parties has agreed that the present petition can be disposed of by directing the trial Court to dispose of the suit itself within a time bound frame, instead of deciding upon interim order.

The counsel for the petitioners has also pointed out that although the evidence of the plaintiff has completed, but the defendants/respondents herein, has not led any evidence so far. Although, it may not have been appropriate on the part of the defendant not to have led any evidence in such a long duration, however, defendants can still be granted some more time to complete their evidence. Therefore, lest the case of either of the parties should be prejudiced, at this stage, it would not be appropriate to express any opinion by this Court in any manner qua the merits, rather, this petition itself deserves to be disposed of by directing the trial Court to decide the suit itself within a period of four months from today.

In view of the above, the present petition is disposed of with a direction to the trial Court to dispose of the suit itself finally within a period of four months from the date next fixed before it.

It is further ordered that the defendants shall not be granted more than two opportunities for completing their entire evidence, whatever they want to lead, as they have already availed 13 opportunities.

To maintain the equilibrium of the arguments which can be raised by the counsels before the trial Court for final decision of the suit; it would be appropriate that the status quo is maintained by the parties at the site; as it exists today.

Ordered accordingly.

The pending miscellaneous application, if any, is also disposed of as such.

05th JANUARY, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>