

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

117

CR-602-2023

Date of decision: 31.01.2023

Arun Mehta

...Petitioner(s)

Vs.

Amit Mehta & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Gehna Vaishnavi, Legal Aid Counsel for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision has been filed seeking directions to learned Civil Judge (Senior Division), SAS Nagar, Mohali to expedite proceedings in Civil Suit No.1110 of 2022 titled as "Arun Mehta Vs. Amit Mehta & Others".

It is submitted by learned counsel for the petitioner that petitioner/plaintiff is undergoing psychiatric treatment at National Institute of Mental Health and Neuro Sciences, Bangalore, and also at AIIMS, New Delhi, and has been advised for surgery of brain by Gamma knife and deep brain stimulation treatment.

It is submitted that in this view of the matter, as the petitioner apparently does not have very long to live, it is prayed that learned trial Court be directed to dispose of aforementioned pending Civil Suit expeditiously.

Heard.

A perusal of record of the case shows that Civil Suit No.1110 of 2022 was registered on 02.11.2022. As per report of Reader, it was found that Court fee is deficient. Accordingly, the matter stood adjourned to 14.11.2022 to enable petitioner/plaintiff to make good the deficiency. On 14.11.2022 itself, *dasti* process was also given to the petitioner/plaintiff. Thereafter, vide subsequent orders it is recorded that notice issued to defendants was not received back. Accordingly, vide order dated 18.01.2023, fresh notice was issued to the defendants and *dasti* service was again permitted.

Though, this Court has complete sympathy with the petitioner, however, it is evident that the Civil Suit in question was filed only on 02.11.2022 and perusal of zimni orders shows that no delay whatsoever has been occasioned on part of the learned Court below. Needless to say, due process has to be followed. Accordingly, there is no reason to doubt that the learned Court below is well-apprised of the matter and will proceed mindful of the situation.

In this view of the matter, I find no ground is made out to issue such direction to the learned Court below.

Dismissed.

31.01.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No