

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-700-2023 (O&M)

Date of Decision: 02.02.2023

Om Pati and others

....Petitioners

Versus

Ram Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Mani Ram Verma, Advocate
for the petitioners.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside order dated 16.01.2023 (Annexure P-8) whereby the application moved by the petitioners for taking decision on an application under Order 39 Rules 1 & 2 CPC was adjourned for the date already fixed.

2. Brief recitals as pleaded in the petition are that the petitioners have filed a Suit for Declaration *inter alia* to the effect that order dated 21.05.2021 passed by Commissioner, Hisar Division, whereby the application under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as 'the Act, 1961') was allowed and the plaintiffs (petitioners herein) and proforma defendants were ordered to be ejected from the land in question. They were directed to hand over the vacant possession thereof to the defendant No.2/respondent No.2-Gram Panchayat along with recovery of the alleged amount of penalty were bad in law and liable to be set aside. Petitioners have also prayed for injunction prohibitory to the effect that the defendants be restrained from interfering into their peaceful possession of the land in dispute. Petitioners also filed an application under Order 39 Rules 1 & 2 CPC. However, allegedly the same was adjourned unnecessarily. Ultimately the petitioners

filed another application on 16.01.2023 to decide their earlier pending application under Order 39 Rules 1 & 2 CPC on the ground that the respondents had filed execution proceedings. Yet again, vide impugned order, the matter has been simply adjourned to 22.03.2023 and the application under Order 39 Rules 1 & 2 CPC has not been decided.

3. I have heard learned counsel for petitioner and have gone through the case file.

4. Impugned order dated 16.01.2023 (Annexure P-8) is premised, *inter alia*, on the fact that the matter was adjourned to 22.03.2023 as the written statement to plaint and reply to the application under Order 39 Rules 1 & 2 CPC moved by the petitioners are yet to be filed and awaiting the same Ld. Trial Court adjourned the case for the date already fixed.

5. There is no irregularity committed by the Ld. Trial Court, either in facts or in law, so as to exercise extraordinary revisional jurisdiction vested with this Court.

6. Dismissed. However, in case despite ample opportunity already granted if no return is filed by defendants in the suit on or before date fixed, it shall be at liberty to pass interim orders on the pending application under Order 39 Rules 1 & 2 CPC in accordance with law.

8. Pending civil miscellaneous application(s), if any, also stands disposed of.

(ARUN MONGA)
JUDGE

February 02, 2023
ashish

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No