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

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**CR-1057-2022 (O&M)
Decided on : 25.09.2023**

Gaganpreet Singh Ahluwalia

. . . Petitioner(s)

Versus

Jaspreet Kaur and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Puneet Sharma, Advocate and
Mr. David Sardana, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

CM-17806-CII-2023

I. This is an application filed under Section 151 CPC, for seeking pre-ponement of the date of hearing in the main case i.e. CR-1057-2022 from 05.02.2024 to an early date.

II. Learned counsel for the applicant-petitioner informs that vide order dated 30.03.2022, notice of motion was issued for appearance of the respondents, but due to heavy workload, and paucity of time, revision petition could never reach for its hearing. Even, none has put in appearance on behalf of the non-applicant/respondents as well.

III. Learned counsel further submits that in the main revision petition, limited prayer for final disposal of the applications pending before the learned Family Court, Mohali, has been made, and therefore, securing the presence of the non-applicant/respondents, would not serve any purpose and the main case itself can be disposed of by pre-poning the date of hearing in the main case.

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IV. After taking note of the submissions addressed by learned counsel for the applicant-petitioner and perusing the contents of the application, which is duly supported by an affidavit, prayer made in the application is allowed. Consequently, date of preliminary hearing in the main case i.e. CR-1057-2022 is advanced from 05.02.2024 to 25.09.2023 i.e. for today itself.

CM stands disposed of.

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1. Present revision petition has been filed by the petitioner (sole plaintiff), requesting this Court to invoke the power of Superintendence for issuance of direction to learned Family Court, Mohali, for expeditious disposal of all the three applications filed by the plaintiff, which have not been decided till date by the learned Family Court, Mohali.

Learned counsel for the petitioner (plaintiff) submits that those applications are; (i) application under Order 39 Rule 1 & 2 CPC, (ii) application for interim mandatory injunction, and, (iii) application dated 01.11.2021 (wrongly mentioned as dated 29.10.2021 in the head note of the petition) filed under Order 39 Rule 1 & 2 CPC. He further submits that in fact, relief claimed in the said applications, is urgent in nature and keeping them pending without any decision, that too for no fault of the plaintiff, is causing prejudice to the rights of the plaintiff.

2. Taking note of the fact that the suit was filed in July 2021, along with stay application(s), and as per the submissions addressed by learned counsel for the petitioner, till date learned Family Court has not taken any final decision upon said application(s).

3. I hereby direct the concerned Court i.e. learned Family Court,

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Mohali, to decide the prayer for interim stay made through application dated 13.07.2021 (P-2); application for seeking interim mandatory injunction (P-3); and also application dated 01.11.2021 under Order 39 Rule 1 & 2 CPC (P-8), within a period of eight weeks from the date of receipt of certified copy of this order, in accordance with law, by affording reasonable opportunity to the respondents (defendants) also.

4. For issuing the said directions, as recorded here-above, I do not deem it necessary to issue notice to the respondents (defendants), because, that may further cause unreasonable delay in issuance of the required directions.

5. Accordingly, by recording the aforementioned observations and terms, present revision petition stands **disposed of**.

Pending misc. application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

September 25, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*