

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
117
CR-1938-2023 (O&M)
Date of decision: 27.04.2023

Naranjan Singh

...Petitioner(s)

Vs.

State of Punjab & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Parunjeet Singh, Advocate
for the petitioner.

Ms. Rishu Madan, AAG, Punjab.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the plaintiff seeking a direction to the learned Civil Judge (Junior Division), Ludhiana that proceedings in Civil Suit No.6347 of 2020 titled as "Naranjan Singh Vs. State of Punjab & Others" be expedited to be decided at the earliest preferably within a period of two months; and for quashing order dated 10.01.2023 (Annexure P8) passed in the above said Civil Suit whereby learned Civil Court has framed preliminary issue with respect to limitation which, would further delay the proceedings.

2. Learned counsel for the petitioner inter alia submits:

a) that the petitioner was originally appointed as Clerk in Excise and Taxation Department, Punjab in the year 1972, and he joined as Clerk at Ferozepur on 13.09.1973. Petitioner was subsequently transferred to Jalandhar in the year 1999. On 07.05.1999, the petitioner

met with an accident and sustained serious injuries on head and other parts of the body. Thereafter, he was promoted to the post of Senior Assistant and transferred to Kapurthala and further promoted as Superintendent in the office of Assistant Excise and Taxation Commissioner, Ludhiana-I;

b) that on 02.05.2003, the petitioner went to the office of Excise and Taxation Commissioner, Ludhiana-I for giving joining report. Subsequently, he was promoted as Excise and Taxation Inspector, Nangal. It is the pleaded case of the petitioner that due to mental instability and deterioration in health, he was unable to join duty as Excise and Taxation Inspector at Nangal; and ultimately in September, 2003, he had complete memory loss and left his house and found himself in one Gurudwara Sahib in Haryana and it was only in September, 2018 that one person from his village recognised him and told his children about his whereabouts;

c) that after treatment and regaining memory, when the petitioner went to the office of Assistant Excise and Taxation Commissioner, Ludhiana and gave representation to release his service benefits and pension etc., he was told that he had been dismissed from service after an ex-parte inquiry conducted by Excise and Taxation Commissioner, Punjab vide order dated 14.03.2005 on the ground that he remained absent from duty from 31.10.2002 to 01.05.2003. A letter

to this effect was even sent to daughter of the petitioner Mrs.

Ravinderjit Kaur;

d) that on 08.12.2020, the petitioner filed present Civil Suit for setting aside dismissal order dated 14.03.2005 passed by respondent No.3. In response to the Suit, the respondents filed application under Order 7 Rule 11 CPC dated 05.03.2021 (Annexure P4) praying for dismissal of the Suit being time barred. The petitioner filed reply to this application dated 18.08.2021 (Annexure P5);

e) that despite the fact that the petitioner had filed the Suit on 08.12.2020, no progress has been made in the said Suit till date and learned trial Court is delaying the matter on one pretext or the other. It is submitted that accordingly, the present impugned order be set aside and directions be issued to the learned Civil Court to expedite the matter.

3. No other argument is raised on behalf of the petitioner.

4. I have heard learned counsel for the petitioner.

5. Perusal of zimni orders dated 08.12.2020 to 05.01.2023 (Annexure P6), attached by the petitioner with the present Revision Petition reveal that there has been no delay whatsoever on part of the learned trial Court as, needless to say, during this period the matter was adjourned several times due to restrictions imposed by the District Administration in order to curb further spread of Novel Coronavirus

(Covid-19). Besides that, to the contrary zimni orders reveal that the petitioner himself had sought numerous adjournments for filing reply to the respondents' application under Order 7 Rule 11 CPC.

6. Further, it is not clear as to how it has been stated by the petitioner in the present Revision Petition in para 14 that he had filed reply to the aforesaid application of the respondents on 18.08.2021 (Annexure P5) as, as per zimni order dated 21.04.2022 it has been recorded therein by learned Civil Judge (Junior Division), Ludhiana that reply to application under Order 7 Rule 11 CPC for rejection of plaint was not filed till date, and further adjournment was sought by the petitioner himself for filing reply to the said application.

7. As per zimni order dated 01.08.2022, reply to aforesaid application was filed and case was adjourned to 09.09.2022 for arguments on said application. On 07.10.2022, arguments were partly heard on behalf of the petitioner. Thereafter, Vide impugned order dated 10.01.2023 (Annexure P8), learned trial Court framed preliminary issue with regard to limitation.

8. Accordingly, in the facts and circumstances of the case as noticed above, it is apparent that no ground is made out to issue any direction to learned Civil Judge (Junior Division), Ludhiana to expedite proceedings as clearly, learned Civil Court is proceeding properly in the

matter. I find no error in the impugned order even in respect of the preliminary issue framed by the learned trial Court regarding limitation.

- 9. Present Revision Petition accordingly stands **dismissed**.
- 10. Pending application(s) if any also stand(s) disposed of.

27.04.2023
Sunena

(Nidhi Gupta)
Judge

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