

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR-2036-2020 (O&M)

Reserved on : 17.08.2023  
Pronounced on : 01.09.2023

Sat Parkash .....Petitioner

Versus

Ashish Kumar .....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Argued by : Ms. R.S. Mamli, Advocate for the petitioner.

Mr. Akshit Aggarwal, Advocate for the respondent.

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**NAMIT KUMAR, J.**

**CM-741-CII-2021**

Prayer in the instant application filed under Section 151 of CPC is for placing on record certified copies of the written statement dated 06.11.2017 and the zimni orders dated 04.08.2020 and 08.12.2020 passed by the trial Court as Annexures P-5 and P-6.

Allowed as prayed for subject to all just exceptions.

**CM-5154 and 5155-CII-2022**

Prayer in the instant applications filed under Section 151 of CPC is for exemption from filing certified/typed copies of zimini orders passed by the trial Court and for taken on record true photocopies of the same as Annexure A-1, respectively.

Allowed as prayed for subject to all just exceptions.

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1. The instant revision petition has been filed by the petitioner under Article 227 of the Constitution of India for issuance of appropriate directions to the Court of learned Civil Judge (Senior Division), Yamuna Nagar at Jagadhri to decide the Civil Suit No.1836 of 2017 titled as 'Ashish Kumar Vs. Sat Parkash' expeditiously in view of the amendment in Specific Relief (Amendment) Act, 2018 (for short the '2018 Act').

2. The brief facts leading to the filing of the present petition as has been narrated in the petition are that the petitioner/defendant being owner in possession entered into an agreement to sell dated 06.04.2017 in respect of land measuring 9 Kanal 0 Marla comprising in Khewat No.106//101, Khatauni No.371, Khasra No.31//23/2, 24/2/2 (8-18), 30//24/1/2 (0-3), situated within the Mauja Bhogpur, Tehsil Jagadhri, District Yamuna Nagar for a total sale consideration of Rs.60,85,000/- with the respondent/plaintiff. Out of total sale consideration, Rs.6,00,000/- were paid as an earnest money and the date for registration was fixed as 31.08.2017. Since the plaintiff/respondent has failed to pay the balance sale consideration by the fixed date, therefore, as per terms of the agreement to sell his earnest money was forfeited by the petitioner/defendant and he was duly informed through legal notice dated 01.09.2017. On which the respondent/plaintiff has filed a suit bearing No.1836 of 2017 for declaration to the effect that notice dated 01.09.2017 is null and void and is not binding upon the right of the respondent/plaintiff as there exists a valid agreement dated

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06.04.2017 between the parties and defendant has no right to terminate the said agreement and to forfeit the amount of earnest money received in the part performance of agreement to sell dated 06.04.2017 and for possession by way of specific performance of agreement to sell dated 06.04.2017 and for permanent injunction for restraining the petitioner/defendant for further alienation and for permanent injunction restraining the petitioner/defendant for further alienating the land by way of lease, mortgage, creating third party interest either himself or through agent, servant and representative and changing the existing nature of the land.

3. Learned counsel for the petitioner/defendant has made reference to the provisions of Section 20C of the 2018 Act which read as under :-

*“20C. Notwithstanding anything contained in the Code of Civil Procedure, 1908, a suit filed under the provisions of this Act shall be disposed of by the court within a period of twelve months from the date of service of summons to the defendant:*

*Provided that the said period may be extended for a further period not exceeding six months in aggregate after recording reasons in writing for such extension by the court.”*

4. Learned counsel for the petitioner/defendant submits that the suit was filed by the respondent/plaintiff on 26.09.2017 and the summon was received by the petitioner/defendant on 12.10.2017 and after expiry of more than 05 years the case is still at the stage of plaintiff's evidence which caused great prejudice to the

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petitioner/defendant as he is having financial loss due to the non-disposal of the suit. He submits that there is no delay on the part of the petitioner/defendant and the case is being adjourned from time to time. He further submits that since the petitioner/defendant is a senior citizen of the age of more than 70 years, therefore, the case of the petitioner would be covered under the rules framed by this Court known as ***Punjab and Haryana High Court Case Flow Management Rules, 2007*** under the Fast Track category. Therefore, the directions may be issued to the Trial Court to decide the suit expeditiously.

5. On the other hand, learned counsel for the respondent/plaintiff has opposed the present petition on the ground that the delay in disposal of the suit is not on the part of the respondent/plaintiff.

6. I have heard learned counsel for the parties and perused the relevant documents.

7. Admittedly, the suit was filed by the respondent/plaintiff on 26.09.2017 in which summon was received by the petitioner/defendant on 12.10.2017 and after expiry of more than 05 years the case is still at the stage of plaintiff's evidence. As per provisions of Section 20C of the 2018 Act, the present suit should have been decided within a period of 01 year and maximum within a period of 18 months from the date of service of summon to the petitioner/defendant.

8. Keeping in view the aforesaid facts and circumstances of the present case and provisions of Section 20C of the Act, the instant revision petition is allowed and the Court of Civil Judge (Senior

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Division), Yamuna Nagar at Jagadhri is directed to decide the Civil Suit No.1836 of 2017 titled as ‘Ashish Kumar Vs. Sat Parkash expeditiously. This Court is of the view that the parties to the suit shall not take unnecessary adjournments and will cooperate with the Court for early disposal of the suit.

9. A copy of this order be sent to the Civil Judge (Senior Division), Yamuna Nagar at Jagadhri, through District and Sessions Judge, Yamuna Nagar at Jagadhri for necessary compliance.

01.09.2023

*Kothiyal*

(NAMIT KUMAR)  
JUDGE

Whether Speaking/reasoned

Whether Reportable

Yes/No

Yes/No