

CR No. 2736 of 2023
Date of Decision : 03.05.2023

Ashwin Jain and others

...Petitioners

versus

Aruna Garg and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Sanjiv Gupta, Advocate for the petitioners.

B.S. Walia, J. (Oral)

[1] Learned counsel for the petitioners contends that respondent Nos.1 and 2 had filed Civil Suit No.695 of 2016 (Annexure P/1) for declaration that plaintiff No.1 is the owner in possession of land measuring 51 bighas as described in the head note of the suit in which the learned trial Court granted interim injunction vide order dated 07.08.2019 by restraining the petitioners/defendants No.1 and 2 from alienating the suit land which was purchased by petitioner/defendant Nos.1 and 2 from the original owner i.e. defendant Nos.3 and 4 on 24.12.2013 and 12.02.2014 for a total consideration of Rs.65 lakhs (agricultural land which is now capable of being utilized as commercial land in view of its proximity to the highway).

[2] Learned counsel contends that the petitioners have blocked their entire financial resources in said land and are unable to utilize the land in question for any project due to the interim order granted by the learned trial

District Judge, SAS Nagar, Mohali since 16.01.2020. Learned counsel contends that in the circumstances, the limited prayer of the petitioners is for issuance of directions to the Court of the learned Additional District Judge, SAS Nagar, Mohali to decide CA No.49 of 2020 in case titled as “*Ashwin Jain and others vs. Aruna Garg and others*” dated 16.01.2020 in a time bound manner.

[3] Having regard to the facts of the case as also that no prejudice would be caused to the respondents in case a direction is issued to the learned Additional District Judge, SAS Nagar, Mohali to consider and decide CA No.49 of 2020, the instant petition is disposed of by directing the learned Additional District Judge, Mohali to consider and decide CA No.49 of 2020 in accordance with law as expeditiously as possible, preferably on the next date i.e. 07.07.2023 or within a short period thereafter.

[4] Copy of this order be sent to the learned Additional District Judge, SAS Nagar, Mohali for necessary compliance. Intimation of compliance be sent to this Court.

(B.S. Walia)
Judge

03.05.2023
'JOYTI'

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