

CR-3373-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3373-2023 (O&M)

Date of decision: May 30, 2023

Meenakshi Verma

....Petitioner

versus

Pawanpreet Kaur and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Mukul Aggarwal, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia* is for directing learned trial Court to decide Civil Suit No.920 of 2021 (Annexure P-2) titled 'Pawanpreet Kaur Vs. Meenakshi Verma and others' in a time bound manner, preferably within six months.

2. Plaintiff-respondent No.1 filed a suit on 16.07.2021 seeking possession of suit property by way of specific performance of agreement to sell dated 24.11.2020. Subsequently, an amended plaint dated 25.04.2022 (Annexure P-2) was filed.

2.1. Petitioner later on also filed an application under Order VII Rule 14 of Code of Civil Procedure, 1908 (for short 'CPC') for directing plaintiff-respondent No.1 to produce original agreement to sell dated 24.11.2020. Vide order dated 04.08.2021, learned trial Court dismissed the application. The said order before this Court by way of revision petition bearing CR-2081-2021.

2.2. Vide an order dated 23.09.2021 (Annexure P-4), aforesaid revision petition was disposed of with liberty to petitioner to file application before learned trial Court for directing plaintiff-respondent No.1 to produce original agreement for inspection. Pursuant thereto, petitioner filed requisite application (Annexure P-5) before the trial Court.

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2.3. Learned trial Court vide order dated 31.12.2021 (Annexure P-7), restrained petitioner along with other defendants from carrying out any construction over suit property.

3. Learned counsel for petitioner-defendant No.1 submits that there is a stay operating against the petitioner and yet suit in question has now been adjourned by learned trial Court for 12.10.2023 for plaintiff's evidence. Such a delay is quite unjust and unfair to legal rights of the petitioner. Plaintiff-respondent No.1 himself has been prolonging controversy for the past two years. Suit was filed on 16.07.2021, but till date, it has not been decided. He submits that third party rights have already been created and as such, suit requires quick and early disposal.

4. I have heard learned counsel for petitioner and perused the record.

5. Suit before the learned trial Court is pending for plaintiff's evidence. For just and proper decision of the case, it is necessary for both the parties to adduce their respective evidence before rendering findings on the same by the learned trial Court. Suit was filed sometime in the year-2021. Thereafter, amended plaint was filed in the year-2022. Further, petitioner too had to approach this Court by way of revision petition seeking direction to plaintiff to produce original agreement, causing further delay in trial to commence. Effectively, only pleadings have been completed yet and case before learned trial Court is now fixed for plaintiff's evidence. Adducing of evidence, examination and cross-examination of witnesses and thereafter, due appreciation thereof before rendering reasoned findings by learned trial Court require reasonable time. The trial in the instant case is at a very nascent stage.

5.1. Pertinently, the suit was filed during COVID-19 pandemic when the working in the Courts was hit for a sufficiently long period as the work remained suspended. Subsequent thereto, Courts resumed work under certain restrictions until full-fledged working of the Courts commenced. This Court generally refrains

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from interfering in the working of the Courts below and treads cautiously, unless it is a case of extreme hardship. The case in hand does not seem to be such so as to deserve any indulgence.

- 6. In the premise, no worthwhile grounds for interference are made out.
- 7. Dismissed.
- 8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

May 30, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No