

2023:PHHC:089104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-12059-CII-2023 in/and
CR-3551-2023

Date of Decision : 17.07.2023

Gurpreet Singh

..... Petitioner

Versus

Jagir Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Shubham Goyal, Advocate
for Mr. Piyush Setia, Advocate
for the applicant-petitioner.

VIKRAM AGGARWAL, J (ORAL)

CM-12059-CII-2023

Prayer in the present application filed under Section 151 of the Code of Civil Procedure is for preponing the date of hearing from 11.09.2023 to some early date.

For the reasons, mentioned in the application, the same is allowed.

The main petition is preponed to today.

CR-3551-2023

Prayer in the present petition filed under Article 227 of the Constitution of India is for issuance of directions to the Court of Addl. Civil Judge (Senior Division), Kapurthala to decide Civil Suit No.CS/566/2018 titled as 'Gurpreet Singh versus Jagir Singh and others' expeditiously.

The petitioner filed a suit for possession by way of specific performance of agreemnt to sell dated 30.11.2015. The said suit bearing No.

CS/566/2018 titled as 'Gurpreet Singh versus Jagir Singh and others' is now stated

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to be pending before the Court of Addl. Civil Judge (Senior Division), Kapurthala for 21.07.2023.

It is the grievance of the petitioner that the defendants are deliberately delaying the proceedings. To demonstrate the same, learned counsel for the petitioner has pointed out that on 06.01.2023, an application under Order 6 Rule 17 read with Section 151 CPC was moved by defendants No.1 and 2 (respondents No.1 and 2 here) for amendment of the written statement. Reply was filed by the present petitioner-plaintiff on the very next date i.e. 13.01.2023 but the said application is pending till date. Learned counsel submits that the decision of the case be made time bound.

I have considered the submissions made by learned counsel for the petitioner.

I do not intend to pass any specific directions with regard to the time frame within which the suit should be decided. However, the application for amendment should not have been pending for months together.

In view of the same, the present petition is disposed of with a direction to the trial Court to make earnest efforts to expeditiously dispose of the civil suit. A direction is also issued that on the next date of hearing, the application for amendment moved by respondents No.1 and 2 be heard and be thereafter decided as soon as possible.

(VIKRAM AGGARWAL)
JUDGE

17.07.2023
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No