

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

128

**CR-3979-2023 (O&M)
Decided on : 17.07.2023**

Ravinder Kumar and another

...Petitioner

Versus

Joginder and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Mohit Aneja, Advocate for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Petitioners, being plaintiffs before the trial Court, have filed a Civil Suit/2348/2018 titled as **Ravinder v. Joginder**, which is pending for 28.07.2023 and by way of present petition, petitioners are seeking a direction to mandate to the trial Court to decide the suit in a time bound manner.

2. From the zimni orders, appended with the petition, it is noticed that defendants appeared on 10.12.2018 and trial Court directed the parties to the lis to maintain status quo regarding possession. It is also noticed that defendants had closed their evidence on 10.01.2022 and thereafter, never any request for adjournment of the case was made by the defendants.

3. As per, said zimni orders passed by learned Trial Court dated 24.01.2022, 08.02.2022, 14.02.2022, 24.02.2022, 14.03.2022, 24.03.2022, 31.03.2022, 04.04.2022, 07.04.2022, 18.04.2022, 27.04.2022, 05.05.2022, 06.05.2022, 16.05.2022 and 17.05.2022, it is the plaintiffs, who sought an adjournment, as rebuttal evidence was not present.

Order dated 17.05.2022, gives an impression that defendants pointed out to the Court for hearing of the suit with already pending civil suit between the parties. However, order further reflects that rebuttal evidence was awaited and on 17.05.2022 itself, case was fixed for arguments in the suit.

4. Again, orders dated 30.05.2022, 16.08.2022, 24.08.2022 and 15.09.2022, also reflect that it is the plaintiff, who sought time for adjournment because of the absence of the rebuttal evidence.

5. However, on 14.10.2022, again some observations were made

in regard to the application under Section 10 CPC and suit was adjourned for awaiting rebuttal evidence and for arguments.

6. Again orders dated 10.11.2022, 15.12.2022, 05.01.2023, 23.01.2023, 06.04.2023, 27.04.2023, 25.05.2023 and 31.05.2023 show that all the times, it is the plaintiffs, who sought adjournments on account of non-availability of the rebuttal evidence.

7. Now suit is fixed for 28.07.2023, awaiting rebuttal evidence and in alternative for arguments also.

8. After examining all the zimni orders, this Court finds that a frivolous and unnecessary prayer has been made by the petitioners through present petition, despite knowing the fact that about two years period of Court proceedings, got prolonged because of the Pandemic COVID-19 also.

9. Otherwise also, there is nothing available on record to find out any fault with the Court proceedings for reaching to the conclusion that the trial is delayed for any unreasonable cause.

10. Petition stands dismissed.

11. However, petitioner is cautioned to not to file such frivolous petition ever in future.

SANJAY VASHISTH)
JUDGE

17.07.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No