

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

235

CWP-23194-2021
Date of Decision: 04.10.2023

AJAY KUMAR

... Petitioner

VERSUS

CIVIL COURT, JUNIOR DIVISION AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mukul Goel, Advocate with
Mr. Kewal Krishan, Advocate
for the petitioner.

Mr. Munish Kapila, Advocate
for respondent No.1.

None for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking issuance of directions to the respondent No.1-Civil Judge (Junior Division), Garhshankar, District Hoshiarpur to decide the pending civil suit bearing CIS No.CS/738/2020 instituted on 24.11.2020 in a time bound manner and to restrain respondent No.2 from entering into the premises of the petitioner.

Counsel for respondent No.1 has shown today in Court the copies of the zimini orders passed by respondent No.1. The instant writ petition was filed in the year 2021. The Civil Suit was instituted on 24.11.2020 and the respondent entered appearance on 26.02.2021. The said proceedings were being held during the COVID-19 protocols. Written statement was filed on 08.02.2022 and replication was filed by petitioner on 29.03.2022. Case was thereafter adjourned on 06 occasions on joint request by counsel to advance arguments on interim application. It was adjourned on 03 occasions as parties

were negotiating a compromise. In any case, Issues were framed on 17.03.2023 and the case is being adjourned due to delay on the part of the petitioner-plaintiff.

After framing of Issues, the matter was kept for evidence of petitioner/plaintiff. It has thereafter been taken up nearly on five occasions by Civil Court i.e. respondent No.1 and on all these occasions, the petitioner/plaintiff has been seeking time to lead evidence. There is nothing reflected from the record that the counsel for the petitioner is wanting to advance arguments and the same are not being heard or the matter is being adjourned unnecessarily.

Apparently, the present petition has been filed only to pressurize the Court and by casting aspersions as if the delay has occasioned as a result of any failure of the Court, whereas the lapse is entirely on the part of the petitioner/plaintiff.

The present petition is accordingly dismissed with a costs of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Authority, Hoshiarpur.

OCTOBER 04, 2023

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**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No