

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-4862-2023

Date of Decision: 16.11.2023

Raj Kumar

....Petitioner

VERSUS

Kareena and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ram Avtar Sheoran, Advocate,
for the petitioner.

Mr. Ajay Vijornia, Advocate,
for the respondents.

KARAMJIT SINGH, J. (Oral)

Counsel appearing on behalf of the respondents has not disputed the fact that while passing the interim orders (Annexure P-4) to (Annexure P-7), Court of Additional District Judge, Charkhi Dadri has exceeded its jurisdiction. He further submits that necessary directions can be given to the said Court to decide the appeal within the given time schedule in accordance with law. He further made prayer that the partition proceedings between the parties with regard to the suit property are pending for the last 4 years and made prayer that certain directions be also given to the revenue authority to decide the said proceedings in a time bound manner in accordance with law.

2. Counsel appearing on behalf of the petitioners submits that interim orders (Annexures P-4 to P-7) were passed by the appellate Court without having any jurisdiction in that regard whereby directions were given to the revenue authorities to conduct partition proceedings regarding

the suit property in a particular manner. It is further submitted that the appellate court was having no jurisdiction in the civil miscellaneous appeal to give directions to DSP(H) with regard to investigation in criminal cases ; Ravi Kant v. State and Phool Kumar v. Pardeep Kumar and that the said directions are unwarranted.

3. Counsel for the petitioners further made statement that he will be satisfied if direction is given to the learned first appellate Court to decide the appeal filed by the respondents in a time bound manner.

4. In light of above, orders Annexures P-4 to P-7 passed by the Court of Additional District Judge, Charkhi Dadri in CMA-33-2022 Kareena and others v. Raj Kumar are hereby set aside to the extent whereby directions were given to the revenue and the police authorities, further without commenting on the merits of the case, the present petition is hereby disposed of with directions to the Court of Additional District Judge, Charkhi Dadri to decide CMA-18-2022 titled Kareena and others v. Raj Kumar, expeditiously, preferably within 4 weeks of the next date already fixed in the said appeal, in accordance with law. Direction is also given to the concerned revenue authorities to decide the partition proceedings with regard to suit property initiated at the instance of one Raghvir Singh expeditiously preferably within next 6 months in accordance with law.

(KARAMJIT SINGH)
JUDGE

November 16, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No