

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-443-2024 (O&M)
Decided on: 25.01.2024

Charu Bansal

...Petitioner

Versus

Mohsina Khan and others

...Respondents

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Alok Mittal, Advocate
for the petitioner.

RITU TAGORE, J. (Oral)

1. Prayer in this revision petition is to direct the learned Court below to decide the application under Order 39 Rule 1 and 2 read with Section 151 CPC and application under Order 40 Rule 1 CPC for appointment of the receiver, which are pending since 2019 in the Civil Suit bearing No.1732 of 2019 titled as ‘Charu Bansal Vs. Mohsina Khan and others’.
2. During course of arguments, when this Court, pointed to learned counsel for the petitioner that application under Order 7 Rule 11 CPC, pending for adjudication before the learned lower Court, is required to be decided prior to the decision on the other applications under Order 39 Rule 1 and 2 read with Section 151 CPC and application under Order 40 Rule 1 CPC. The counsel for the petitioner is unable to deny the same, and restricts his prayer for giving appropriate directions to the learned lower

Court to decide the application under Order 7 Rule 11 CPC (Annexure P-2), in a time bound manner.

3. Considering the limited prayer made in this revision, notice to respondents is dispensed with.

4. Upon perusal of several zimini orders placed on record, passed by the learned lower Court, indicate that the civil suit captioned above, was filed on 07.08.2019 against nine respondents. Service was completed on 09.10.2019 and pleadings were concluded on behalf of the respondents on 27.11.2019. Further, daily orders of the learned lower Court indicate that several dates were given for arguments on application under Order 39 Rule 1 and 2 CPC as well as on application under Order 40 Rule 1 CPC for appointment of receiver. However, in the interregnum, respondents-defendants No.1 and 2, filed an application under Order 7 Rule 11 CPC. Additionally, an application was moved by defendant No.3, directing plaintiff to accept rent of lease land and issuance of receipt. As per order dated 18.01.2024, aforesaid application for acceptance of rent, moved by respondent No.3 is fixed for 03.04.2024 for arguments.

5. Perusal of daily orders passed by learned trial Court indicate that since filing of the suit, no substantive proceedings have been taken in the file. Applications as detailed above are pending for adjudication as back as 2019. Speedy trial is the need of the hour and is a fundamental right. Without speedy trial, justice cannot be said to be done. This concept of right of 'speedy trial' focuses on expeditious case resolution to enhance the efficiency and credibility of the judiciary. Its primary objective is to instill a sense of justice within the society by timely disposal of case. Therefore, the Courts should make every endeavour to decide the matter as early as

possible, providing quietus to the rival claims of litigating parties and opportunity to enjoy the fruits of the litigation.

6. In view of the above and limited prayer made by the counsel for the petitioner, learned lower Court is directed to decide the application under Order 7 Rule 11 CPC within two months from the date fixed before the learned lower Court.

7. In view of the facts discussed above, this revision Petition stands disposed of.

8. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

25.01.2024
Rimpal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No