

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 133)

LPA No. 699 of 2024 (O&M)
Date of decision: 23.04.2024

Deepak Mahajan

..... Appellant

Versus

Uma Mahajan and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Appellant in person.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The instant intra court appeal is directed against judgment dated 06.12.2023 passed by a learned Single Judge of this Court disposing of the appellant's writ petition filed by him seeking therein issuance of directions to the trial Court to expeditiously decide the civil suit preferred by the appellant against respondents No.1 & 2 before the Civil Court at Pathankot.

(2) After hearing the appellant in person and going through the record of the case as also after examining the impugned judgment we find that in spite of the fact that the learned Single Judge did not find the appellant's conduct to inspire confidence as the record revealed that the delay in the disposal of the appellant's civil suit was on account of filing of several miscellaneous applications by him, the learned Single Judge disposed of the appellant's writ petition by issuing directions for expeditious disposal of the appellant's aforesaid civil suit. However, such directions were subject to the appellant's cooperation. In this regard the relevant observations by the learned Single Judge read as under : -

“Chronology of facts noticed above reflects that the petitioner-plaintiff has himself failed to conclude its evidence despite the case having been fixed for recording of plaintiff evidence since 25.03.2019. If there is no lapse attributable to any Court proceeding resulting in delay, the petitioner, who is himself the cause of delay, would not be justified in finding fault with the pace of the suit and alleging delay to the Court. His undesirability to place on record the zimni orders leads to an inference that he wants to conceal more than he wishes to reveal.

The conduct of the petitioner does not inspire confidence and the delay is evidently attributable to his own lapses and multiplicity of miscellaneous applications. Considering that none of the defendants is appearing before the trial Court and have already been proceeded against ex-parte, it cannot be assumed or alleged that the delay is attributable to any deliberate act or omission on the part of the defendants therein.

The petitioner, however, submits that he shall not seek any adjournment in the matter and that he would expeditiously conclude his evidence. Needless to mention that in the event of the petitioner diligently pursuing his case and concluding evidence before the Civil Court, the proceedings shall be conducted expeditiously.”

- (3) In the light of the afore facts, we concur with the reasoning given in the impugned judgment.
- (4) Dismissed.
- (5) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

23.04.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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