

CR-1196-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.143

CR-1196-2024

Date of Decision: 11.03.2024

SUMAN DEVI

....Petitioner

Versus

EXECUTIVE ENGINEER, PWD (B&R) NARNAUL AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 16.02.2024 passed by learned Trial Court, whereby an application for preponement of the date of hearing of the application under Order 39 Rule 1 and 2 CPC, from 27.08.2024 and to decide the same on early basis, has been dismissed.

It is submitted by learned counsel that suit for possession and permanent injunction was filed on 22.05.2023 and thereafter, the case was adjourned further for filing of written statement and reply, which came to be filed on the next date of hearing. Further, the application for appointment of Local Commissioner was filed and the case was adjourned further. The application under Order 7 Rule 11 CPC was also filed, which has since been disposed of. Furthermore, learned counsel makes reference to the order dated 08.01.2024, wherein while taking up the file, the Court had adjourned the case for 27.08.2024, right from 08.01.2024. Learned counsel submits that looking at the date so fixed, the petitioner had filed an application for

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preponement, which was dismissed by learned Trial Court.

From the various zimini orders, forming part of the paperbook and also from the submissions made by learned counsel for the petitioner, it is evident that though, the suit was filed on 22.05.2023, but however, the application under Order 39 Rule 1 and 2 CPC is pending adjudication. Perusal of the order dated 08.01.2024 passed by learned Trial Court undoubtedly reveals about the long adjournment of about eight months, having granted, though, the application under Order 39 Rule 1 and 2 CPC, was pending.

On query, it is submitted by learned counsel that report by Local Commissioner has been filed before learned Trial Court. In the given circumstances, the compliance of the necessary directions issued by this Court for disposal of the applications under Order 39 Rule 1 and 2 CPC, from time to time, has not been made by the Court concerned.

In the light of the aforesaid, in the fitness of circumstances, it shall be appropriate for the Trial Court to prepone the date of hearing of the case, after issuing notice to the counsel for other side and dispose of the application under Order 39 Rule 1 and 2 CPC, in accordance with law, within a period of one month, after appearance of the parties concerned.

In the light of the aforesaid terms, the instant revision petition stands disposed of.

11.03.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No