

CR-1969-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.136

CR-1969-2024

Date of Decision: 03.04.2024

ANAND KUMAR

....Petitioner

Versus

GENERAL PUBLIC AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Saksham Mahajan, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India, thereby seeking issuance of direction to Trial Court, to decide the application of the petitioner to strike of the defence of defendant No.3/respondent No.2, for not having filed the written statement in Succession Suit No.6 of 2021.

Heard.

While making reference to the various zimini orders, which have been placed on record, learned counsel for the petitioner submits that undue delay is being caused *vis-a-vis* issuance of succession certificate despite the same, being summary proceedings. Even though, an application for striking off the defence of the respondent No.2 (who is respondent No.3 before the Court below) has been filed, but the same is not being dealt with and long adjournment has been given, which is now fixed for 03.09.2024.

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Perusal of the zimini order (Annexure P-4) reveals that petition for issuance of succession certificate was filed on 31.05.2021 and thereafter, it remained pending despite the respondents, having made appearance. Suffice to make mention that when the file was dealt by the Court concerned on 12.03.2024, the case had been simply adjourned for 03.09.2024. Undoubtedly, long adjournment has been granted by the Court below, which obviously causes prejudice to the litigants.

In the given circumstances, in the interest of justice, a direction is given to the Court below to prepone the case and fix it somewhere in the month of May, 2024 and after issuing notice to learned counsel making appearance on behalf of the respondents, the Court shall dispose of an application expeditiously, preferably within a period of three weeks.

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

03.04.2024
Sonu

(ARCHANA PURI)
JUDGE

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