

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
123

CR-2162-2024

Date of decision: 10.04.2024

VEENA GOYAL AND OTHERS

.....PETITIONER

Versus

BHIM AGGARWAL AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Aakash Singla, Advocate,
for the petitioners.

RITU TAGORE, J. (ORAL)

1. This revision petition is for issuance of directions to the learned Additional Civil Judge (Sr. Divn.), Panchkula for expeditious disposal of the application dated 29.11.2022 for drawing up the final decree (Annexure P-5) (CIS NO. CM/149/2022, CNR NO. HRPK02001286520) titled as Veena Goel and Ors. vs. Bhim Aggarwal and Ors.
2. Heard. Paper-book perused with the assistance of the learned counsel for the petitioners.
3. Learned counsel submits that the petitioners filed a civil suit for partition regarding one commercial property situated in Panchkula i.e. SCO No. 202, Sector-14, Panchkula. A preliminary judgment and decree was passed on 25.11.2016 (Annexures P-1 and P-2). However, aforesaid decree was challenged by the respondents by filing first statutory appeal, which was decided vide judgment and decree dated 06.12.2018 (Annexures P-3 and P-4) by the learned ADJ, Panchkula, modifying the judgment and decree of the learned trial Court. The learned counsel stated that no second appeal was filed by the respondents against the aforesaid judgment and decree, however,

the petitioners preferred Regular Second Appeal, which was ultimately dismissed by this Court vide judgment dated 04.12.2023.

4. Learned counsel contends that during the pendency of the Regular Second Appeal, the petitioners filed an application i.e. CIS NO. CM/149/2022, CNR NO. HRPK0200128652022 titled as Veena Goel and Ors. vs. Bhim Aggarwal and Ors (Annexure P-5) for drawing up final decree in accordance with the provisions of Order 20 Rule 18 CPC. It is stated that the aforesaid application is pending adjudication for more than last 16 months. It is stated that the petitioners are senior citizens and are waiting to realize the fruits of the decree for more than 11.5 years since the filing of the suit for partition. While referring to Punjab and Haryana High Court Case Flow Management Rules, 2007 (Annexure P-11), learned counsel submits that the said rules lay down that cases pertaining to senior citizens, are required to be put on Fast Track and even cases falling in Track-II should be decided within one year. A prayer is made to allow the revision, as prayed for.

5. It is a matter of record that Regular Second Appeal filed by the petitioners was dismissed on 04.12.2023. The perusal of the paper-book indicated that an execution petition was earlier pending before the learned trial Court for arguments on the application for consigning the execution petition sine die pending the disposal of the regular second appeal. The zimni order dated 06.02.2024 (Annexure P-10) indicate that upon receipt of the judgment of this Court regarding the dismissal of regular second appeal, the learned trial Court dismissed the aforementioned application to consign the execution petition as sine die and posted the petition for a hearing on the application for drawing up the final decree for 04.04.2024. The downloaded copy of zimni order dated 04.04.2024, placed on record by the counsel for

the petitioners, further reveal that on the joint request of the counsel for the parties, the matter was adjourned to 14.05.2024 for arguments on application for drawing up the final decree.

6. Thus, from the paper-book, it is evident that proceedings are going on before the learned trial Court. Therefore, there is no need to pass any specific directions in the present case. However, this Court is sanguine that the learned trial Court shall make every endeavour for an expeditious disposal of the petition pending before it, keeping in mind the directions given from time to time and Rules framed by this Court regarding the hearing of the cases and disposal thereof . Needless to mention, parties to the suit shall assist the Court in expeditious disposal of the case.

7. Petition stands disposed of accordingly.

8. Pending applications, if any, stand disposed of.

April 10, 2024
pj

(RITU TAGORE)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No