

2024:PHHC:077446



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CWP-8625-2024
Date of Decision: 29.05.2024

HARWINDER SINGH

... Petitioner

VERSUS

CIVIL JUDGE (SR. DIVN.) SAMRALA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Jaswinder Singh, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for issuance of directions to the Addl. Civil Judge (Sr. Division), Samrala to decide the Civil Suit No.CS/42/2022 dated 18.02.2022 (Annexure P-1) titled as '*Harwinder Singh Versus Narinder Kaur etc.*' without any further delay.

Learned counsel for the petitioner has argued that the aforesaid Civil Suit had been filed for seeking declaration to the effect that the petitioner/plaintiff is the owner in possession of the land measuring 54K-1M comprising in khasra numbers detailed out in paragraph No.2 of the petition, situated within the revenue estate of Village Chehlan, H.B. No.140, Tehsil Samrala, District Ludhiana. It is submitted that there are 34 defendants in the said civil suit and that he had moved an application for withdrawal of the suit against defendants No.3 to 11, 13 to 20, 27, 29, and 31 to 34 and accordingly, the suit was dismissed as withdrawn qua the above said defendants vide order dated 01.06.2023. Eventually, the petitioner compromised/settled the matter

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with defendants No.1, 12, 21 to 26, 28 and 30 and in this regard, the attorney holder of the abovesaid defendants had got recorded his statement on 11.09.2023 before the learned Civil Judge (Jr. Division), Samrala to the effect that the matter had been settled and that they had no objection to the suit being decreed in favour of the petitioner-plaintiff.

It is further submitted that on 07.02.2024, an application had been filed for deciding the civil suit qua the abovesaid defendants in view of the compromise/settlement and the statement made by their attorney holder. He submitted that notwithstanding the matter having already been settled with the defendants in the said civil suit and the statement having been recorded to the said effect, the suit in question is not being finally decided and is being delayed on one pretext or the other. He thus contends that, as of now, the civil suit was pending against defendant No.2 –Harkrishan Singh son of Harbans Singh, who is father of defendant No.29- Guninder Singh and the Civil Suit has already been dismissed as withdrawn against the said defendant No.29 vide order dated 01.06.2023. It is submitted that the defendant no.2 was having right in the property mentioned in the head note of the suit but he has transferred his property in favour of his son Guninder Singh- defendant No.29. However, the name of defendant no.2 was inadvertently left to be mentioned and that application was also moved by the petitioner/plaintiff for withdrawing the suit against defendant No.2, which was allowed vide order dated 04.04.2024. It is submitted that on 07.03.2024, defendant No.2 had moved an application for directing the petitioner-plaintiff to produce on file the original documents relied upon by him, whereas the original documents regarding compromise/settlement

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were already on the Court file, notwithstanding the same, the case had been adjourned by the trial Court for filing reply by the petitioner/plaintiff and has not been decided yet. Reliance has been placed on Order 3 Rule 3 of the C.P.C. in relation to proper adjudication of the suit by the Court where a settlement is arrived at between the parties.

Before proceeding further in the matter, a report was sought from the Civil Court about the status of the suit.

In compliance of order dated 19.04.2024, report has been received from the Addl. Civil Judge (Sr. Divn.)-cum-SDJM, Samrala vide memo No.410 dated 24.04.2024. It has been conveyed in the aforesaid report that the case was initially dealt with by the Court of Shri Shinku Kumar, Civil Judge (Jr. Division), Samrala and thereafter, an application was moved by the petitioner-plaintiff before the learned District Judge, Ludhiana, whereupon the case was transferred to the Court of Ms. Ramandeep Neetu, Civil Judge (Jr. Division) Samrala for disposal. Subsequently, another application was moved for transferring the said civil suit and as such, the suit was transferred to the Court of Addl. Civil Judge (Sr. Divn.), Samrala vide order dated 05.01.2024. When the file was received by the said officer, the same was pending qua defendant No.2 only and an application for preponement of the case was moved by the petitioner-plaintiff, of which notice was issued to the opposite party. The case was fixed for 06.03.2024, however, an adjournment was sought by the defendant for moving an application. Hence, the case was adjourned to 07.03.2024, on which date, defendant No.2 –Harkrishan Singh moved an application for seeking directions to the petitioner-plaintiff to produce on file

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the original documents relied upon by him in support of his claim and to enable defendant No.2 to file written statement. The matter was then fixed for 04.04.2024. On the said date, the petitioner-plaintiff withdrew the civil suit against sole contesting defendant No.2, who was insisting upon production of original documents. It is also submitted in the report that due to large number of withdrawals and compromises in the suit, the record was to be reconciled and the matter was kept for consideration on compromise arrived at between the parties and the order was passed to list the case on 11.05.2024 for the Lok Adalat, but due to oversight, it has been mentioned in the zimni order that the same be adjourned for filing written statement on behalf of the defendant.

Having received and perused the said report, it seems that the delay in adjudication of the case was not on account of any designed efforts, but on account of large number of applications, withdrawals, compromises that have already been placed on record and due to withdrawal of case against defendant No.2.

Since the matter is already in the notice of the Addl. Civil Judge (Sr. Division), Samrala and the matter has already been kept for National Lok Adalat for final adjudication, it is evident that the matter was sought to be decided at an earlier occasion, but on account of an inadvertence/oversight, the same could not be disposed of on 11.05.2024.

The present writ petition is disposed of at this juncture, without issuing any formal notice and calling upon the concerned Civil Court dealing with the abovesaid Civil Suit No.CS/42/2022 dated 18.02.2022 (Annexure P-1)



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titled as '*Harwinder Singh Versus Narinder Kaur etc.*' to expeditiously decide the same.

Disposed of accordingly.

MAY 29, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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