

2024:PHHC:078413



133.

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

Civil Revision No.3449 of 2024

Date of decision: 30.05.2024

Ravi Kapur and another

.... Petitioners

Versus

Ms. Sonia Pruthi and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Promila Nain, Advocate and
Mr. Amit Thakur, Advocate, for the petitioners.

GURBIR SINGH, J.

1. Challenge in this revision petition filed under Article 227 of the Constitution of India is to the order dated 18.01.2024 passed by learned Additional District Judge, Gurugram, whereby appeal filed by defendant No.1 (petitioner No.1 herein) against the order dated 17.05.2023 passed by learned Civil Judge (Junior Division), Gurugram, by which application filed under Order 39 Rule 1 and 2 read with Section 151 CPC has been disposed off in favour of plaintiff (respondent No.1).

2. Briefly stated, respondent No.1-plaintiff filed a suit for possession by way of specific performance and permanent injunction on the ground that petitioners-defendants have executed an agreement to sell dated 15.12.2021 with regard to residential plot, measuring 502.3 square yards, at Gurugram and alleged that despite taking part payment of Rs.20 lakhs, the

petitioners have refused to execute sale deed and wanted to alienate the property to some third person.

3. Learned counsel for the petitioners-defendants contends that the petitioners are NRI and the plaintiff-respondent No.1 has created a forged agreement dated 15.12.2021 in order to grab the property. The impugned orders are arbitrary and against the law. Neither the principle of *lis pendens* nor any direction is necessary as they never executed the alleged agreement and it does not bear their signatures.

4. After arguing for some time, learned counsel for the petitioners submits that at this stage, the petitioners-defendants would be satisfied if direction is given to the trial Court to dispose of the suit in a time bound manner.

5. I have heard the submissions of learned counsel for the petitioners.

6. Without commenting on the merits of the case, present revision petition is disposed of with a direction to the trial Court to dispose of the suit filed by respondent No.1-plaintiff expeditiously, preferably within a period of one year, in accordance with law, and it is ensured that no unnecessary adjournment is granted to any of the parties.

(GURBIR SINGH)
JUDGE

May 30, 2024
sanjeev

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