

2024:PHHC:092933



136 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3799-2024

Decided on:-23.07.2024

Amarjeet Singh (since deceased) thr. his LRs.

....Petitioner..

vs.

Wazir Singh and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Jasneet Mehra, Advocate for
Ms. Jainika Jain, Advocate for the petitioners.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition filed under Article 227 of the Constitution of India, prayer has been made for issuance of direction to the trial Court to decide Civil Suit bearing No.CS/158/2020, titled as ***“Amarjeet Singh vs. Wazir Singh”*** in a time bound manner.

2. In the present case, suit for separate possession by way of partition with consequential relief for permanent injunction restraining the defendants from interfering in any manner in the joint possession was filed at the instance of petitioner/plaintiff against the respondents-defendants, claiming themselves to be joint owner in possession of the suit property. Alongwith the said plaint, an application under Order 39 Rules 1 and 2 CPC, was also filed and the learned Trial Court vide order dated 13.03.2020, directed the parties to maintain *status quo* regarding the actual and factual position of the suit property. However, due to Covid-19 situation, the matter could not be taken up for hearing for quite long time. Ultimately, written statement was filed on 11.10.2022 and since then, the matter is pending for

reply to the application under Order 6 Rule 17 CPC for amendment of the
plaint and even reply to the application under Order 39 Rule 1 & 2 CPC was
not filed on behalf of the respondents-defendants.

3. Learned counsel for the petitioners submits that the civil suit is
pending since 2020; the petitioners are suffering a lot as they have
apprehension that the respondents-defendants may usurp their share by
lingering on the present matter for one reason or the other, thus, she prays
for issuance of direction to the trial Court to decide the same expeditiously
within a time bound manner.

4. I have heard learned counsel for the petitioners and gone
through the paper book.

5. Perusal of file shows that the suit filed on behalf of petitioners-
plaintiff for separate possession by way of partition was pending since 2020
and still at the stage of filing reply to the application under Order 6 Rule 17
CPC for amendment of the plaint and even reply to the application under
Order 39 Rules 1 and 2 CPC was not filed on behalf of the respondents-
defendants.

6. Considering the aforesaid facts, the Trial Court is requested to
adjudicate upon the suit pending since 2020, within a period of 06 months
from today.

7. Keeping in view the aforesaid circumstances, the present
petition is disposed of without issuing notice to the respondents, as the same
would further delay the disposal of suit, besides burdening them with
unnecessary costs of litigation.

23.07.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No