

2024:PHHC:096952



131 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4184-2024 (O&M)
Decided on:-30.07.2024

Harcharan Singh and anotherPetitioners..

vs.

Balwinder Singh and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Kapish Singla, 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-1667 of 2019, titled as ***“Harcharan Singh and another vs. Balwinder Singh etc.”*** in a time bound manner.

2. In the present case, suit for declaration with consequential relief of permanent injunction restraining the defendants from interfering, selling, alienating, disposing off, transferring the suit property in any manner was filed at the instance of petitioners/plaintiffs against the respondents-defendants, claiming themselves to be owner in possession of the suit property on the basis of registered Will dated 06.05.2006 executed by their father, namely, Rajinder Singh in their favour. Alongwith the said plaint, an application under Order 39 Rules 1 and 2 CPC, was also filed. Record shows that the matter was being adjourned time and again for one reason or the

other. Even during Covid-19 situation, the matter could not be taken up for hearing for quite long time and since then it is pending for filing written statement on behalf of respondents-defendants.

3. Learned counsel for the petitioners submits that the civil suit is pending for the last almost 05 years; the petitioners are suffering a lot as they are in dire need of money as they have been deprived of their source of income and, thus, he prays for issuance of direction to the trial Court to decide the same expeditiously within 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-plaintiffs seeking declaration with consequential relief of permanent injunction is pending for the last almost 05 years and still the same is at the stage of filing of written statement on behalf of the respondents-defendants.

6. Considering the aforesaid facts, the Trial Court is requested to expedite the proceedings and adjudicate upon the suit pending since 2019, within a period of 01 year from today.

7. Considering the nature of direction issued been innocuous, 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.

30.07.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No