

2024:PHHC:112538



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

117

CR-4934-2024 (O&M)

Date of decision: 30.08.2024

Surjit Kaur

...Petitioner

Versus

Gurmeet Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Sandeep Arora, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

1. This petition has been filed by plaintiff-petitioner Smt. Surjit Kaur, aged 66 years, widow of Captain Darshan Lal, seeking issuance of direction to the trial Court to expeditiously dispose of the suit filed by her for mandatory injunction and decree of mesne profits.

2. Learned counsel for the petitioner submits that the defendants are the son and daughter-in-law of the plaintiff-petitioner and despite being owner of the suit property, she has not been able to enjoy the same. The pleadings are complete, and the issues stood framed on 23.09.2022 and the plaintiff examined herself on 14.10.2022. Thereafter, her cross-examination was being deferred at the request of the defendants. Plaintiff-petitioner closed her evidence on 01.05.2024 and thereafter, the trial is pending for defendants evidence. Learned counsel refers to the *zimni* orders appended as Annexure P-3 with the petition to submit that the defendants have left no opportunity unavailed to delay



the disposal of the trial. It is further submitted that Gurmeet Singh was examined as DW-1 but thereafter, he did not come present for his cross-examination on many hearings. On 02.08.2024, the cross-examination of the said witness on behalf of the plaintiff was treated as NIL but defendant No.2 sought time to cross-examine the said witness. It is further reiterated that defendant Nos.1 and 2 are husband and wife and are in collusion with each other. It is, thus, prayed that a direction be issued for expeditious disposal of the suit in a time bound manner, which was instituted on 18.01.2021.

3. Heard learned counsel for the petitioner and with his able assistance, perused the record.

4. It is not disputed that the plaintiff-petitioner instituted the suit on 18.01.2021 against her son and daughter-in-law for issuance of mandatory injunction directing them to vacate and hand over vacant possession of the suit property and for a decree of *mesne* profits by way of damages for unauthorized use and occupation of the demised portion of the house in dispute. It is evident from the record that the plaintiff has already closed her evidence and the proceedings are pending at the stage of defendants evidence.

5. In *Yashpal Jain vs. Sushila Devi and others*, 2023 SCC OnLine SC 1377, the Hon'ble Supreme Court while considering the aspect of speedy justice in civil matters, called upon all stakeholders, i.e. the legal fraternity, the legislature, the executive and the citizens to join hands in a concerted effort to untangle the web of delay and pendency.



Their Lordships laudable effort was to streamline procedures, bolster infrastructure, invest in technology, and empower our judiciary to meet the demands of our time. In furtherance of the aforesaid objectives, the following directions were issued:-

“41. The following directions are issued:

- i. All courts at district and taluka levels shall ensure proper execution of the summons and in a time bound manner as prescribed under Order V Rule (2) of CPC and same shall be monitored by Principal District Judges and after collating the statistics they shall forward the same to be placed before the committee constituted by the High Court for its consideration and monitoring.
- ii. All courts at District and Taluka level shall ensure that written statement is filed within the prescribed limit namely as prescribed under Order VIII Rule 1 and preferably within 30 days and to assign reasons in writing as to why the time limit is being extended beyond 30 days as indicated under proviso to sub-Rule (1) of Order VIII of CPC.
- iii. All courts at Districts and Talukas shall ensure after the pleadings are complete, the parties should be called upon to appear on the day fixed as indicated in Order X and record the admissions and denials and the court shall direct the parties to the suit to opt for either mode of the settlement outside the court as specified in sub-Section (1) of Section 89 and at the option of the parties shall fix the date of appearance before such forum or authority and in the event of the parties opting to any one of the modes of settlement directions be issued to appear on the date, time and venue fixed



and the parties shall so appear before such authority/forum without any further notice at such designated place and time and it shall also be made clear in the reference order that trial is fixed beyond the period of two months making it clear that in the event of ADR not being fruitful, the trial would commence on the next day so fixed and would proceed on day-to-day basis.

iv. In the event of the party's failure to opt for ADR namely resolution of dispute as prescribed under Section 89(1) the court should frame the issues for its determination within one week preferably, in the open court.

v. Fixing of the date of trial shall be in consultation with the learned advocates appearing for the parties to enable them to adjust their calendar. Once the date of trial is fixed, the trial should proceed accordingly to the extent possible, on day-to-day basis.

vi. Learned trial judges of District and Taluka Courts shall as far as possible maintain the diary for ensuring that only such number of cases as can be handled on any given day for trial and complete the recording of evidence so as to avoid overcrowding of the cases and as a sequence of it would result in adjournment being sought and thereby preventing any inconvenience being caused to the stakeholders.

vii. The counsels representing the parties may be enlightened of the provisions of Order XI and Order XII so as to narrow down the scope of dispute and it would be also the onerous responsibility of the Bar Associations and Bar Councils to have periodical refresher courses and preferably by virtual mode.



viii. The trial courts shall scrupulously, meticulously and without fail comply with the provisions of Rule 1 of Order XVII and once the trial has commenced it shall be proceeded from day to day as contemplated under the proviso to Rule (2).

ix. The courts shall give meaningful effect to the provisions for payment of cost for ensuring that no adjournment is sought for procrastination of the litigation and the opposite party is suitably compensated in the event of such adjournment is being granted.

x. At conclusion of trial the oral arguments shall be heard immediately and continuously and judgment be pronounced within the period stipulated under Order XX of CPC.

xi. The statistics relating to the cases pending in each court beyond 5 years shall be forwarded by every presiding officer to the Principal District Judge once in a month who (Principal District Judge/District Judge) shall collate the same and forward it to the review committee constituted by the respective High Courts for enabling it to take further steps.

xii. The Committee so constituted by the Hon'ble Chief Justice of the respective States shall meet at least once in two months and direct such corrective measures to be taken by concerned court as deemed fit and shall also monitor the old cases (preferably which are pending for more than 05 years) constantly.

The said order has also been circulated to all judicial officers in the States of Punjab, Haryana and U.T., Chandigarh, by this Court.



6. Keeping in view the totality of facts and circumstances of the case, the present petition is disposed of with a direction to the trial Court to dispose of the trial in a time bound manner and by affording sufficient opportunities to the defendants to complete their evidence. It would be appreciated if the trial is disposed of within a period of one year from the date of receipt of copy of this order.

August 30, 2024
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No