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

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Date of Decision: 09.09.2024

Sukhdeep Kaur and others

..... Petitioners

Versus

Balwinder Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Parvinder Singh Guliani, Advocate for the petitioners.

VIKAS BAHL, J (ORAL)

1. This is a civil revision petition filed under Article 227 of the Constitution of India directing the learned Civil Judge (Jr. Division), Barnala to decide the application under Order 39 Rule 1 and 2 as expeditiously as possible in Civil Suit No.424 of 2020 titled 'Sukhdeep Kaur and another vs. Balwinder Singh and another'.

2. Learned counsel for the petitioners has submitted that in the present case, the suit was filed by the petitioners/plaintiffs on 25.06.2020 (Annexure P-1) and the amended suit was filed on 03.11.2023 and on the same date, i.e., 03.11.2023 an application (Annexure P-2) under Order 39 Rule 1 and 2 read with Section 151 CPC was filed but the same has not been decided till date.

3. Learned counsel for the petitioners has made a reference to the zimni order dated 29.07.2024 which has been reproduced in paragraph 6 of the petition to highlight the fact that defendant No.1 in the said case has

been proceeded against ex-parte and the counsel is appearing for defendant



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No.2, who has already filed his written statement and on 29.07.2024, the case was adjourned for recording the evidence of the plaintiffs and also for consideration on the stay application.

4. The said zimni order highlighted by learned counsel for the petitioners is reproduced as under:-

*“Present: Sh. D.S. Sidhu, Advocate for the plaintiff.
Sh. M.S. Dhillon, Advocate for defendant No.2.
Defendant No.1 exparte.*

No PW is present. On request, case is adjourned to 06.09.2024 for recording the plaintiff’s evidence and for consideration on stay application

Date of order: 29.07.2024”.

5. Learned counsel for the petitioners has further submitted that from above, it is apparent that although the evidence of the plaintiffs has started but the application for stay has not yet been decided and thus, he prays that a direction be given to the trial Court for expeditious disposal of the stay application.

6. Keeping in view the above facts and circumstances of the case, the present petition is disposed of with a request to the learned trial Court to decide the application filed under Order 39 Rules 1 and 2 CPC, as expeditiously as possible, in accordance with law, in case the pleadings of the parties is complete.

09.09.2024*D.Bansa***(VIKAS BAHL)
JUDGE**

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