



\$~72

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 2589/2024**

SHAKUNTALA DAHIYA

..... Petitioner

Through: Mr. L.K. Singh, Adv.

versus

COL SATWANT SINGH DAHIYA & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

16.05.2024

%

CM APPL. 29330/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2589/2024

3. The present petition under Article 227 of the Constitution of India seeks to impugn the order dated 12.03.2024 passed by the learned ADJ-03, Patiala House Courts, New Delhi (hereinafter referred to as 'Trial Court'), in Civil Suit No.57610/2016 titled as "*Shakuntala Dahiya vs. Lt. Gen. Satwant Singh Dahiya & Ors.*" whereby the application moved on behalf of the petitioner under Section 151 of the Civil Procedure Code, 1908 (hereinafter referred to as "CPC") for preponement of the date of hearing has been dismissed.
4. At this stage, the learned counsel for the petitioner submits that if



preponement of date is not possible then directions may be given to the learned Trial Court to conclude the trial of the suit in a time bound manner within a period of six months.

5. Learned counsel further submits that on 14.03.2002, the petitioner herein had filed a suit for partition before this Court bearing no. C.S. (OS) No. 584/2002 against the respondents 1 to 4 claiming a decree of partition of the movable and the immovable estates left behind by her husband, Late Brig. B.S. Dahiya on the premise that her husband died intestate.

6. Learned counsel submits that the issues were framed by this Court on 29.01.2010 and 24.09.2012. Subsequently, the suit was transferred to the learned Trial Court due to an enhancement of the pecuniary jurisdiction. Thereafter, the learned Trial Court framed additional issues on 17.04.2017. It is also submitted that the suit is now listed before the learned Trial Court for 12.07.2024, for recording the evidence of the respondents, as the onus of the main issue is on the respondents.

7. Learned counsel submits that the petitioner is 87 years old and the present suit has been pending since 2002.

8. Having considered the above submissions, the learned Trial Court is directed to expeditiously dispose of the suit.

9. With above observations, the present petition stands disposed of.

SHALINDER KAUR, J.

MAY 16, 2024
SDS