



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CR No.1431 of 2025 (O&M)
Date of decision: 01.04.2025

Arun Bansal and others

...Petitioners

V/s

Mahesh Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Arun Bansal, petitioner No.1 in person.
(through video conference)

VIKRAM AGGARWAL, J (ORAL)

The present revision petition has been preferred under Article 227 of the Constitution of India seeking issuance of directions to the Court of learned Addl. Civil Judge (Sr. Divn.), Mansa, to conclude the trial in civil suit bearing CIS No:CS/490/2019 titled as ***Arun Bansal and others vs. Mahesh Kumar and others***, within a fixed time frame.

2. The facts, as emanating from the revision petition, are that a suit for separate possession by way of partition was filed by the petitioner along with two other persons namely Varun Bansal and Shallu Bansal. The said suit is presently pending for consideration on an application preferred by the present petitioner under Section 114 of the Code of Civil Procedure, 1908 (for short the "CPC") for review of order dated 20.08.2024 and otherwise the evidence of the plaintiffs had started.

3. He submits that the defendants are deliberately delaying the decision in the case by moving one application after the other and by taking



unnecessary adjournments. He submits that the suit was filed as far back as in 2019 and the same is still at the stage of the evidence of the plaintiffs. He prays that in view of the same, directions be issued to the Court concerned to decide the suit in a time bound manner.

4. I have considered the submissions made by petitioner No.1 (Arun Bansal) who appears in person.

5. The interlocutory orders passed by the Courts from time to time have been placed on record collectively as Annexure P-14. The said orders show that the defendants had put in appearance before the learned trial Court on 25.11.2019. Thereafter, written statement was not filed till 16.03.2020 after which, on account of Covid-19 pandemic, the matter could not be taken up till 01.02.2021. On 01.02.2021, an application under Order 7 Rule 11 was moved for rejection of the plaint. The said application remained pending till April 2024 when an application was moved by the present petitioners for placing on record certain other documents. Ultimately, the application under Order 7 Rule 11 CPC was dismissed vide order dated 05.07.2024 and written statement on behalf of defendant No.1 was filed on 07.08.2024. Issues were also framed. Subsequently, on 20.08.2024, replication was filed along with an application for framing of additional issues. Thereafter, on 23.08.2024 and on certain other dates, the matter was fixed for evidence of the petitioners/plaintiffs, wherein the present petitioner (Arun Bansal) appeared. However, subsequently, he moved an application under Section 114 CPC for review of the order dated 20.08.2024, vide which the prayer for framing of additional issues had been declined and the application had been rejected. The matter is now pending for decision on the said application and is listed for hearing on 11.04.2025.



6. A perusal of the interlocutory orders shows that no doubt the suit was filed in the year 2019 and six years have already gone by. However, there appears to be no delay on the part of the learned trial Court. Both sides have been moving applications at different points of time. Be that as it may, since the matter is already six years old, it would be in the interest of justice that the same is decided expeditiously by not permitting any of the sides to take undue adjournment.

7. In view of the above, the present petition is disposed of with a direction to the Court concerned where Civil Suit No.490 of 2019 titled as ***Arun Bansal and others vs. Mahesh Kumar and others***, is pending, to look into the matter and make earnest efforts to decide the *lis* expeditiously.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

April 01, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No