



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

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CR-2343-2025 (O&M)
Date of Decision: 21.04.2025

Ravi Goyal

...Petitioner

V/s

Parkashvati and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Imran Farooqi, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

By way of the instant petition preferred under Article 227 of the Constitution of India, the petitioner seeks issuance of directions to the Court of learned Additional Civil Judge (Sr. Divn.), Malerkotla to expeditiously decide and conclude the proceedings arising out of the partition suit bearing Civil Suit No.183/2020 titled as ***Ravi Goyal V/s Parkashvati and another*** (Annexure P-1).

2. The case set up in the petition is that the petitioner/plaintiff filed a suit for possession by way of partition of ½ share of the plaintiff in a house measuring 0-12 *marla* (fully described in the plaint) situated at Singla Street Malerkotla, District Sangrur (hereinafter referred to as the “property in dispute”). The relief of permanent prohibitory injunction restraining defendant No.1-respondent from alienating any specific portion or more than her share in the property in dispute and creating any sort of encumbrance or third party rights over the same was also sought.

3. The grievance of the petitioner is that the respondents-defendants are adopting delay tactics and they have been granted liberal and easy adjournments which are apparent from the interlocutory orders annexed



collectively as Annexure P-2. The chronology of events has been given in the petition and it has been stated that the respondent-defendant No.1 has abused the process of law to her advantage and to the disadvantage of the plaintiff-petitioner by seeking adjournment after adjournment and by filing frivolous applications.

4. I have heard learned counsel for the petitioner.

5. Learned counsel for the petitioner has strenuously urged that on account of the delay tactics being adopted by the respondents-defendant No.1, the decision of the suit has been unreasonably delayed. Learned counsel has referred to the interlocutory orders right from the institution of the suit till date. He submits that a number of adjournments have been granted. Learned counsel has submitted that the unreasonable delay caused in the decision of the suit has gravely prejudiced the rights and interest of the petitioner-plaintiff. He further submits that he is well aware of the fact that the Courts are already bursting at their seams with huge number of cases but for a particular party, the case in question might as well be the only case and the said party would be interested in disposal of that case alone.

6. I have considered the submissions made by learned counsel for the petitioner.

7. There would be no necessity of issuing notice to the respondents, for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

8. The interlocutory orders show that the suit was presented on 20.02.2020 and notice to the respondents-defendants was issued for 16.03.2020. The defendants put in appearance through their counsel on 16.03.2020 and the case was adjourned to 22.04.2020 for filing of written statement. In between, Covid-19 pandemic ensued and the case was



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adjourned time and again in terms of administrative orders during 22.04.2020 till 09.04.2021. However, respondents-defendants did not file their written statement during that period. Thereafter, the case was consecutively adjourned on one pretext or the other from 06.05.2021 to 06.08.2024. On 31.01.2024, the defendants filed an application for consolidation of the suit No.CS-407-2020 along with an application for impounding of the alleged agreement to sell dated 24.12.2011. The matter remained pending from 31.01.2024 to 07.04.2025 for consideration of the said applications and the matter is still pending for that purpose.

9. The aforesaid chronology of events shows that the respondents-defendants have successfully adopted delay tactics. The ill intention of the respondents-defendants is writ large. Another thing which needs to be considered here is that a large number of cases are now pending in Courts which include old cases, action plan cases, targeted cases, routine cases, criminal trials etc. However, the manner in which the process of law has been abused cannot be ignored.

10 Keeping in view the facts and circumstances, as have been noticed in the preceding paragraphs, the present revision petition is disposed of with a direction to the Court concerned to make earnest efforts to finally decide of the suit expeditiously and preferably within a period of one year from today. Any application which it finds to be frivolous should be disposed of with heavy costs.

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

(VIKRAM AGGARWAL)
JUDGE

April 21, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No