



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

117

CR No.5066 of 2025 (O&M)

Date of Decision :01.08.2025

Munish Katyal (since deceased) through LRs**.....Petitioner(s)****Versus****Anish Katyal and others****..... Respondents****CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Ms. Simrat Kaur, Advocate for the petitioner(s).

VIKRAM AGGARWAL, J. (Oral):

The petitioner(s) have instituted the present revision petition under Article 227 of the Constitution of India, seeking issuance of appropriate directions to the Court of Civil Judge (Jr. Divn.) Kharar for expeditious disposal of Civil Suit No.32 of 2018 (titled as Munish Katyal through his legal representatives Vs. Anish Katyal and others).

2. A suit (Annexure P-1) was instituted by Munish Katyal for recovery of Rs.3,72,981.50/-, as also for mandatory injunction, declaration and permanent injunction. Written statement (Annexure P-2) was filed.

3. From the pleading of the parties, issues were framed vide order dated 29.02.2020 (Annexure P-3). Thereafter, COVID-19 struck, as a result of which, the matter could not be taken up for a long time. In the interregnum, the plaintiff unfortunately expired and his legal representatives were, therefore, brought on record vide order dated



17.11.2021 (Annexure P-6).

4. On 06.04.2023 (Annexure P-10) three witnesses appeared before the trial Court and were examined. On the said date, an application was filed by the defendants seeking a direction to the plaintiff to appear, depose and face cross-examination before the cross-examination of other witnesses. On the very next date, PW-4 Meenakshi Katyal (legal representative-wife of the plaintiff) appeared and her cross-examination was deferred on the request of counsel for the defendant. Thereafter, she appeared again on 22.09.2023 and was cross-examined by learned counsel representing defendants No.4 and 8. However, her cross-examination by other counsel was deferred. She again appeared on the next date i.e. 03.11.2023 and was cross-examined by counsel representing defendant Nos.2, 3, 6 and 7. Learned counsel representing defendant No.1 did not cross-examine her and moved an application for adjournment. The matter was then fixed for 24.11.2023 for cross-examination of PW-4 Meenakshi Katyal.

5. On 16.01.2024, PW-4 Meenakshi Katyal appeared again but was not cross-examined by learned counsel representing defendant No.1. Accordingly, the Court granted one last opportunity to counsel for defendant No.1 to cross-examine the said witness.

6. Thereafter the matter remained pending for one reason or the other after which from 26.07.2024 to date, the matter is being adjourned seeking a reply to the application for directing the plaintiff to appear, depose and face cross-examination little realizing that except for



defendant No.1 everybody had cross-examined the plaintiff(s), therefore, there was no occasion for the Court to have postponed the matter for the purpose of filing reply to the application.

7. The sole grievance of the petitioner(s)/plaintiff(s) is that the trial Court is not proceeding and even counsel for defendant No.1 is not cross-examining PW-4 Meenakshi Katyal. Learned counsel submits that on account of the dilatory tactics being adopted by the defendants, the rights of the plaintiff(s) are being gravely prejudiced and, therefore, seeks a direction to the Court concerned for expeditious disposal of the suit.

8. I have considered the submissions made by learned counsel for the petitioner(s) and have perused the interlocutory orders placed on record.

9. 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.

10. This Court is conscious of the fact that Courts are burdened with a large number of cases. However, at the same time, it is imperative to deal with the matters which are taken up by the Courts in accordance with law. A perusal of the interlocutory orders show that the matter is being consistently adjourned waiting for a reply to the application seeking appearance of the plaintiff(s) for cross-examination whereas actually apart from the counsel for the defendant No.1, all have already cross-examined PW-4 Meenakshi Katyal who is the legal representative-wife of the plaintiff-Munish Katyal.



11. Keeping in view the totality of the facts and circumstances, the present revision petition is disposed of with a direction to the Court concerned to examine the matter in the right earnest and make concerted efforts for expeditious disposal of the civil suit.

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

(VIKRAM AGGARWAL)
JUDGE

01.08.2025
Manoj Bhutani

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