



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-2230-2026(O&M)

Date of decision: 10.03.2026

Jatinder Kaur

...Petitioner(s)

Vs.

Sarabjit Kaur & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Himanshu Puri, Advocate
Mr. Sunny K. Singla, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the plaintiff seeking issuance of direction to the learned Civil Judge (Junior Division), Jagraon to decide the Civil Suit bearing No.CS-318-2021 (Annexure P1); and application under Order 7 Rule 11 CPC (Annexure P2) filed by the respondents expeditiously in time-bound manner.

2. Brief facts of the case are that the petitioner had filed the present suit (Annexure P1) on 27.04.2021 seeking separate possession of the suit property. On 02.08.2022, the respondents/defendant No.1 had filed application (Annexure P2) for rejection of the plaint under Order 7 Rule 11 CPC. On 06.07.2023, the petitioner had filed reply to the said application under



Order 7 Rule 11 CPC. Now the present Revision Petition has been filed seeking a direction to the learned Civil Judge (Junior Division), Jagraon to decide the aforesaid Civil Suit (Annexure P1) as also the application (Annexure P2) preferably in a time-bound manner.

3. It is inter alia submitted by learned counsel for the petitioner that a perusal of the zimni order shows that the matter is being unnecessarily adjourned by the learned trial court at the instance of the respondents. It is submitted that even though the application under Order 7 Rule 11 CPC was moved by the respondents as far back as on 02.08.2022, however, no decision has been taken thereupon till date. The respondents are deliberately delaying the matter. Due to the pendency of the matter, the petitioner has been left remediless inasmuch as the delay is not attributable to him but solely to the repeated adjournments granted by the learned trial Court. It is argued that the continued pendency of the suit without effective adjudication is causing grave injustice to the petitioner. It is further submitted that the petitioner is a senior citizen aged about 68 years. The petitioner is a Non-Resident Indian and is presently residing abroad and it is difficult for her to continuously pursue long litigation in India. It is accordingly prayed that the present Revision Petition be allowed and direction as prayed for may be issued to the learned Civil Judge.

4. No other argument is raised on behalf of the petitioner. I have heard learned counsel and perused the record in detail. I find no merit in the submissions advanced on behalf of the petitioner.



5. The petitioner has reproduced zimni orders from the inception of the suit i.e. from 27.04.2021 till 17.02.2026 in the body of his petition from pages 7 to 28 of the present Revision Petition. Perusal thereof shows that the suit was filed by the petitioner on 27.04.2021, for partition and permanent injunction in respect of joint and unpartitioned immovable property seeking partition by metes and bounds and restraining the defendants from raising illegal construction or changing the nature of the suit property; in which notice was issued vide order dated 27.04.2021. It is to be noted that there are as many as 33 defendants in the present suit. Therefore, service could not be effected upon all the defendants up to 10.05.2022. Service could also not be affected due to the fact that there was Covid prevailing at the time. Thereafter, the defendants No.2 and 3 had put in appearance on 10.05.2022 and had sought time to file written statement. On 02.08.2022 an application was filed under Order 7 Rule 11 CPC by defendant No.1, and petitioner had sought time to file reply to the said application under Order 7 Rule 11 CPC. Zimni orders reveal that for almost one year thereafter up to 06.07.2023, the petitioner had continued to seek adjournments for filing reply to the said application; and reply was filed by the petitioner only on 06.07.2023. The remaining zimni orders reveal that thereafter arguments have not been advanced by the parties on the said application under Order 7 Rule 11 CPC resulting in the matter being adjourned from 11.09.2023 till 17.02.2026. On the last two dates of hearing i.e. 20.01.2026 and 17.02.2026, the learned trial Court has



adjourned the matter for arguments on the application under Order 7 Rule 11 CPC subject to last opportunity.

6. The above facts amply establish that the matter is being delayed at the instance of the parties who have failed to address arguments on the application under Order 7 Rule 11 CPC. In fact, the petitioner himself has taken almost one year to file reply to the said application. In this view of the matter, no ground is made out for issuance of direction as prayed for.

7. Learned counsel for the petitioner is unable to dispute or controvert the aforesaid facts.

8. Accordingly, in view of the above, present petition stands **dismissed**.

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

10.03.2026
Sunena

(Nidhi Gupta)
Judge

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