



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115

CR-1506-2025 (O&M)

Date of Decision: 12.03.2025

Rana Singh

.... Petitioner

Versus

Manjit Singh and another

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Parvinder Singh, Advocate for the petitioner.

**NIDHI GUPTA, J.**

1 Prayer in this revision petition filed under Article 227 of the Constitution of India, is for issuance of appropriate directions to the learned Civil Judge (Junior Division), Garhshankar to expedite the hearing of Civil Suit No. 304 of 2022 along with counter claim filed by the petitioner.

2. Briefly stated, respondents No. 1 and 2/plaintiffs have filed a suit dated 27.02.2022 (Annexure P-1) for possession and permanent injunction against petitioner-defendant No. 1 and proforma respondents No. 3 and 4/defendants No. 2 and 3, respectively. Upon notice, the petitioner along with co-defendants/proforma respondents No. 2 and 3 herein filed written statement dated 03.10.2022 (Annexure P-2) along with counter-claim of even date i.e. 03.10.2022 (Annexure P-3). Respondents No. 1 and 2/plaintiffs have filed written statement dated NIL (Annexure P-4) resisting the counter-claim filed by the petitioner. Vide order dated 03.05.2023 (Annexure P-9), two separate applications filed by the petitioner as well as respondents No. 1 and 2/plaintiffs under Order XXXIX Rules 1 and 2 CPC, were disposed of by the learned trial Court



observing that a *prima facie* case was made in favour of both the plaintiffs/ respondents No. 1 and 2 and the defendant/counterclaimant/petitioner herein. As such, both the parties were directed to maintain *status quo*. Thereafter, both the parties have filed their respective appeals bearing Nos. CMA/92/2023 titled as *Rana Singh vs. Manjit Singh* and CM/85/2023 titled as *Manjit Singh vs. Rana Singh* before the learned lower Appellate Court and till date both the appeals are pending adjudication before the learned lower Appellate Court. It is pertinent to mention herein that the petitioner filed an application dated 08.05.2023 (Annexure P-27) for implementation of the order dated 03.05.2023. However, respondents No. 1 and 2 did not file reply to the said application and later on, the same became infructuous and the case was fixed for plaintiffs' evidence vide order dated 07.07.2023 (Annexure P-28) and the same is still pending for plaintiffs' evidence till date. Hence, the present revision petition.

3. Learned counsel for the petitioner, *inter alia*, submits that after obtaining order of *status quo*, respondents No. 1 and 2/plaintiffs in order to harass the petitioner are intentionally delaying the proceedings in the suit inasmuch, as after availing 09 effective opportunities they are not concluding their evidence as is evident from *zimni* orders dated 11.07.2023, 08.08.2023, 30.08.2023, 17.10.2023, 16.11.2023, 18.12.2023, 11.01.2024, 21.02.2024 and 16.05.2024 (Annexures P-29 to P-37). Learned counsel submits that for the last 05 dates the case is being adjourned only for the reason that the file has been sent to learned Appellate Court. However, there is no stay order of the learned Appellate Court.



4. It is, accordingly, prayed that in view of the above facts, a direction be issued to the learned trial Court to expedite the hearing of Civil Suit No. 304 of 2022 along with counter claim filed by the petitioner.

5. No other argument has been raised by learned counsel for the petitioner.

6. I have heard learned counsel for the parties and perused the case file in great detail.

7. The facts in brief have already been noticed here-in-above. I find no merit in the submissions made on behalf of the petitioner. Admittedly, vide order dated 03.05.2023 (Annexure P-9) two separate applications filed by the petitioner as well as respondents No. 1 and 2/plaintiffs under Order XXXIX Rules 1 and 2 CPC, were disposed of by the learned trial Court directing the parties to maintain *status quo*. Feeling dissatisfied, both the parties have filed separate appeals bearing Nos. CMA-92/2023 and CMA/85/2023 challenging the order dated 03.05.2023 (Annexure P-9). The learned lower Appellate Court while issuing notice in the appeals vide order dated 20.05.2023 (Annexure P-10) had observed that *‘Therefore, to protect the nature of the suit property and to avoid multiplication of litigation, it would be appropriate to stay the following direction made by the learned trial Court i.e. “that till the time dispute is not solved both the parties shall not use the said portion of Khasra No. 2405/1 to 1725(1-4)”*.

8. The aforesaid observation rendered by the learned lower Appellate Court, would falsify the contention of learned counsel for the petitioner that ‘there is no stay order of the learned lower Appellate



Court'. More so, perusal of the *zmini* orders (Annexure P-11 to P-23) passed by the learned lower Appellate Court shows that now the appeals are at the stage of final arguments.

9. In view of the above and keeping in view the aforesaid facts and circumstances of the case, no case is made out for issuance of appropriate directions to the learned Civil Judge (Junior Division), Garhshankar to expedite the hearing of Civil Suit No. 304 of 2022 along with counter claim filed by the petitioner.

10. The instant revision petition, being devoid of any merit, is **dismissed.**

12.03.2025  
*rishu*

( NIDHI GUPTA )  
JUDGE

**Whether speaking/reasoned    Yes/No**

**Whether Reportable            Yes/No**