



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108

CR-292-2025

Date of Decision: 18.01.2025

Rajwinder Kaur

.... Petitioner

Versus

Shokinder Singh Kora

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. GK Saini, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

Prayer in this revision petition filed under Article 227 of the Constitution of India, is for issuance of a direction to the learned Civil Judge (Junior Division), Kharar to decide and pass the final order in the petitioner's application (CM-70-2020) for passing final decree of partition by way of separating her share, being, Decree Holder in Civil Suit No. 115 of 2017, which was decreed vide judgment and decree dated 07.03.2020 (Annexure P-1).

Learned counsel for the petitioner-plaintiff/decreed-holder, *inter alia* submits that the suit bearing Civil Suit No. 115/2017 for separate possession by way of partition, mandatory injunction and for permanent injunction was partly decreed with costs by the learned trial Court vide judgment and decree dated 07.03.2020 (Annexure P-1) holding that the petitioner is entitled to possession by way of partition of suit land to the extent of 22/105. It is submitted that the said decree (Annexure P-1) was never challenged by the respondent-defendants. Learned counsel submits that accordingly, the petitioner had filed an application dated



16.07.2020 (Annexure P-2) for passing the final decree by way of partition separating her share and deliver the possession of the same and for providing passage to the allotted share of the decree-holder. It is stated that the said application filed by the petitioner is pending adjudication before the learned Court below till date. The respondent-defendants had appeared before the learned Civil Judge (Junior Division), Kharar on 03.09.2021, as is evident from the *zimni* order dated 03.09.2021 (Annexure P-3). Thereafter, the matter has been adjourned for 45 times and the aforesaid application of the petitioner is still pending due to delaying tactics adopted by the respondents-defendants. It is further submitted that petitioner is suffering from terminal disease and has to go abroad for her further treatment, accordingly, it is prayed that the learned Court below may be directed to dispose of the application (Annexure P-2) filed by the petitioner expeditiously in a time bound manner.

Heard.

In view of the above, but without commenting upon the merits of the case, the present petition is **disposed of**, with a direction to the learned Civil Judge (Junior Division), Kharar, to dispose of the application (Annexure P-2) filed by the petitioner/deGREE-holder, expeditiously, preferably within a period of 04 months from the date of receipt of certified copy of this order.

18.01.2025
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No