

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

126

CR-156-2025

Date of Decision: 14.01.2025

Makhan Singh and another

.... Petitioners

Versus

Smt. Mahinder Kaur and others

.... Respondents

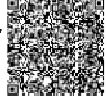
**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Ankur Bali, Advocate for the petitioners.

**NIDHI GUPTA, J. (ORAL)**

Prayer in the instant Civil Revision filed under Article 227 of the Constitution of India is for issuance of a direction to the learned trial Court, Ratia, to finally adjudicate upon the application filed by plaintiffs-respondents No. 1 to 3 herein, under Order XXXIX Rules 1 and 2 CPC filed along with Civil Suit No. 682 of 2022, titled as 'Mahender Kaur and another vs. Makahn Singh and others', which is now pending for 21.01.2025.

Learned counsel for the petitioners/defendants No. 1 and 2, *inter alia*, submits that the plaintiffs had filed a suit for declaration that the plaintiffs and proforma defendant No. 7/respondent No. 4 herein are owners of agricultural land measuring 20 kanals 17 marlas and having possession of 16 kanals and 11 marlas land; out of total land measuring 41 kanals and 18 marlas, bearing Khewat No. 837, Kahtauni No. 1066, according to Jamabandi for the year 2018-19 situated at Sardulgarh Road, Ratial, Tehsil Ratia, District Fatehabad. Along with the aforesaid civil suit, the plaintiffs had also filed an application dated 23.08.2022



(Annexure P-2) under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC. Learned counsel submits that in the said application; without any written statement being filed by the petitioner-defendants and without any final adjudication upon the aforesaid application (Annexure P-2), status-quo regarding possession and further alienation of the suit land was granted by the learned trial Court vide order dated 29.08.2022 (Annexure P-3). In this regard, learned counsel for the petitioners refers to *zimni* orders passed by the learned trial Court Annexures P-10 to P-29 annexed with the present petition. Thus, it is prayed that the learned trial Court may be directed to decide the application dated 23.08.2022 (Annexure P-2) under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC, in a time bound manner.

Heard.

Having given my thoughtful consideration to the submissions of learned counsel for the petitioners and without commenting upon merits of the case, the learned trial Court is directed to consider and decide the application dated 23.08.2022 (Annexure P-2) under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC, filed by the plaintiffs, expeditiously and preferably within a period of 02 months from the date of receipt of certified copy of this order.

The instant revision petition stands **disposed of**, accordingly.

14.01.2025  
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( NIDHI GUPTA )  
JUDGE

**Whether speaking/reasoned** Yes/No

**Whether Reportable** Yes/No