

(2012) 03 P&H CK 0382

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 1473 of 2012

Palwinder Singh

APPELLANT

Vs

Major Harinder Singh
and others

RESPONDENT

Date of Decision: March 6, 2012

Acts Referred:

- Constitution of India, 1950 - Article 227

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Judgement

L.N. Mittal, J.

Plaintiff Palwinder Singh has been forced to invoke jurisdiction of this Court under Article 227 of the Constitution of India by filing the instant revision petition seeking expeditious disposal of Civil Suit No. 356 of 29.10.2004/17.10.2010 filed by him against respondents, pending in the Court of learned Additional Civil Judge (Senior Division), Kharar for 05.03.2012 (now pending for 26.03.2012 - as stated by learned counsel for the petitioner).

2. I have heard learned counsel for the petitioner and perused the case file.

3. Counsel for the petitioner submitted that even issues have not been framed in the suit, which was instituted more than seven years ago. It was also submitted that respondents No. 2 and 3 are practising Advocates and they are delaying the disposal of the suit by moving various applications.

4. I have carefully considered the matter.

5. Perusal of zimni orders of the trial court, reproduced in the revision petition, presents a very sorry state of affairs. Process of the Court is apparently being abused by defendants/respondents by filing various applications, which are not disposed of

expeditiously by the trial court resulting in avoidable and unnecessary delay in the progress of the suit. It appears that respondents No. 2 and 3, who are Advocates, are abusing various provisions of law by filing various applications. Plight of the plaintiff-petitioner is apparent from the fact that even after lapse of seven years from the institution of the suit, even issues have not yet been framed in the suit.

6. In view of the aforesaid, the instant revision petition is disposed of by directing the trial court to dispose of the suit as expeditiously as possible and preferably within two years from the date of receipt of certified copy of this order. Miscellaneous applications filed by either party shall be disposed of expeditiously and if the applications are found to be mala fide or frivolous, exemplary cost should be imposed on the applicants to discourage this tendency.

7. As per observations of Hon"ble Supreme Court in the case of Ramrameshwari Devi vs. Nirmala Devi reported as 2011 (3) CivCC 295, for expeditious disposal of the suit, the trial court may prepare complete schedule and fix dates for all stages of the suit and the trial court should strictly adhere to the said dates and time-table as far as possible. If any interlocutory application is filed, then the same be disposed of in between the said dates of hearing so that the dates fixed in the main suit may not be disturbed. Judgment in the case of Ramrameshwari Devi (supra) may be gone through by the trial court.