

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R. No. 848 of 2015

Date of decision: 09.02.2015

Rajinder Singh

....Petitioner(s)

Versus

Prem Singh

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. I.S. Parmar, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present revision petition is to the order dated 01.10.2014 (Annexure P-1) whereby, the written statement and the reply filed by the defendants was taken on record and issues were framed in spite of costs not being paid.

It is pertinent to note that thereafter, the Court passed a detailed order granting the relief of interim injunction in favour of the present petitioner on 29.10.2014 in the suit for mandatory injunction coupled with the relief of permanent injunction. Vide order dated 04.12.2014, the application filed by the respondent was also allowed and the defence supposed to be struck off on 29.10.2014, though not mentioned in the detailed order, was recalled subject to payment of ₹500 as costs which was in addition to the original costs of ₹1,000/-. It is settled principle that the case should be decided on merits and not on technicalities and the rules of procedure are hand maids of justice.

In such circumstances, once the case has now been fixed for the evidence and the replies have come on record, there is no scope for interference and the present revision petition is accordingly dismissed.

09.02.2015

shivani

(G.S. SANDHAWALIA)
JUDGE