

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.1496 of 2017
Date of decision:02.03.2017**

Sanjay

...Petitioner

Versus

Shakuntala Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.S.S.Khurana, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 27.1.2017 (Annexure P-5) passed by the learned Additional District Judge, Rewari, during the pendency of first appeal of the plaintiff, defendant-respondent in the appeal has approached this Court by way of present revision petition.

Heard learned counsel for the petitioner.

A bare reading of the impugned order would show that it is only an interim order. The learned first appellate court has issued direction to the Deputy Commissioner, Rewari, to constitute a committee to conduct a fresh survey in the city, seek written reply from all the service providers of communication tower facilities and thereafter submit an action taken report before the court so as to enable the court to proceed further, in accordance with law. Neither the impugned order has been found an order without jurisdiction nor the learned Additional District Judge has committed any error of law, while passing the impugned order and the same deserves to be upheld.

The judgment relied upon by the learned counsel for the petitioner in **Ganga Sahai Vs. Suraj Prasad and others, 1986 AIR (Raj) 212** has not been found of any help to the petitioner, being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of even one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmasundara Rao (Dead) Vs. State of Tamil Nadu and others, 2002 (3) SCC 533**, **Union of India Vs. Amrit Lal Manchanda and others, 2004 (3) SCC 75**, **State of Orissa Vs. Md. Illiyas, 2006 (1) SCC 275** and **State of Rajasthan VS. Ganeshi Lal, 2008 (2) SCC 533**.

It goes without saying that after receiving the report from the committee to be constituted by the Deputy Commissioner, learned first appellate court shall proceed further to decide the appeal, in accordance with law. Nothing has been decided against the petitioner so far and the apprehension of the petitioner, if any, is wholly misplaced. Since the impugned order has not been found suffering from any patent illegality or perversity, no interference is warranted, at the hands of this Court, while exercising its revisional jurisdiction.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for

interference has been made out.

Resultantly, with the above-said observations made, the present revision petition stands dismissed, however, with no order as to costs.

02.03.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No