

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

CR No.1509 of 2017

Date of decision:27.4.2017

Allahabad Bank and another

...Petitioners

Versus

Color Cottex Pvt Ltd

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Nakul Sharma, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant revision petition, at the hands of defendants, filed under Article 227 of the Constitution of India, is directed against the impugned order dated 29.11.2016 passed by the learned trial Court, whereby application, moved by the petitioners under Order 7 Rule 11 of the Code of Civil Procedure ('CPC' for short), was partly allowed.

Heard learned counsel for the petitioners.

A bare perusal of the impugned order would show that the learned trial court considered each and every relevant aspect of the matter, before passing the impugned order, which has been found duly supported by sound reasons and the same deserves to be upheld. Prayer made by the petitioners in their application under Order 7 Rule 11 CPC, seeking dismissal of the suit for want of jurisdiction was wholly misconceived prayer. Plaintiff could not have been non suited at the very outset on the basis of such a misconceived plea raised on behalf of the petitioner. Further, the learned trial Court has already directed the plaintiff to file an amended plaint and thereafter defendants shall file their written statement. However, defendants are still feeling aggrieved against the impugned order, without there being any sound basis thereof. Having said that, this Court

feels no hesitation to conclude that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reasons also.

It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Every court of law must make an endeavour to grant reasonable opportunities to both the parties to put up their best case before the court. Nobody should be forced to go home with the grievance that sufficient opportunity was not granted by the court. By following this principle of law, learned court would achieve twin objects i.e. (i) it would avoid multiplicity of litigation between the parties and (ii) the court would be in a better position to do complete and substantial justice between the parties. This is what has been sought to be done by the learned trial Court, while passing the impugned order and the same deserves to be upheld, for this reason as well.

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 present civil 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 instant civil revision petition stands dismissed, however, with no order as to costs.

27.4.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No