

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

CR No.2131 of 2016 (O&M)
Date of decision: 8th August, 2017

Ranjodh Singh

... Petitioner

Versus

Angrej Singh Multani and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. H.S. Brar, Advocate for the petitioner.

Mr. Prashant Bansal, Advocate for respondent No.1.

Mr. Mohit Jaggi, Advocate for respondent No.2.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against order dated 13.07.2015 passed by learned trial Court, whereby an application under Order 1 Rule 10 of the Code of Civil Procedure, moved by respondent No.2 was allowed, plaintiff has approached this Court by way of instant civil revision, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that another litigation was going on between respondent No.1 and respondent No.2. In said litigation, respondent No.2 is the plaintiff and respondent No.1 is the defendant. With a view to defeat said claim of respondent No.2, respondent

No.1 entered into an agreement to sell with the plaintiff-petitioner. Tomorrow, if defendant No.1 is found colluding with the present plaintiff-petitioner, respondent No.2 shall be left with only an unexecutable decree and the very purpose of litigation initiated by respondent No.2 shall be defeated. Thus, having a bonafide apprehension, respondent No.2 moved an application under Order 1 Rule 10 CPC which was rightly allowed by the learned trial Court, by passing the impugned order and the same deserves to be upheld.

A bare perusal of the impugned order, particularly at page No.20 of the paper book, will make it crystal clear that it was the learned trial Court, who found presence of respondent No.2 necessary for rendering an effective judgment between the parties. The learned trial Court committed no error of law while passing the impugned order. The only endeavour by the learned trial Court was to do substantial justice between the parties. The relevant documents were rightly examined, considered and appreciated in correct perspective by the trial Court before passing the impugned order and the same deserves to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the findings recorded in the impugned order which may warrant interference, at the hands of this Court, while exercising revisional jurisdiction under Article 227 of the Constitution of India. The impugned order passed by the learned

trial Court was found based on sound reasons and the same deserves to be upheld, for this reason also.

No other argument was raised.

In view of the above, this Court is of the considered opinion that since the impugned order passed by the learned trial Court has not been found suffering from any patent illegality or perversity, the same deserves to be upheld. The present 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, the instant revision petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

August 8, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No