

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

CR No. 2423 of 2017 (O&M)
Date of decision: 3.4.2017

Satnam Singh

...Petitioner

Versus

Tarlok Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition filed under Article 227 of the Constitution of India, at the hands of plaintiff, is directed against the order date 18.3.2017, passed by the learned trial court.

Learned counsel for the petitioner submits that instead of framing issue No.8, i.e. 'whether the suit is within limitation?OPP', the issue ought to have been framed by the learned trial court, 'whether application under Section 5 of the Limitation Act was maintainable or not'. He further submits that since the learned trial court incorrectly framed issue No.8, the impugned order is liable to be set aside. He prays for setting aside the impugned order, by allowing the present revision petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that the impugned order deserves to be upheld. It is so said, because issue No.8 has been rightly treated as preliminary issue by the learned trial court. If the said issue is decided in favour of the petitioner, the learned trial court shall pass an appropriate order thereafter. However, it is equally true that plaintiff has to

be granted due opportunity to lead his evidence on the said issue. That is what has been sought to be done by the learned trial court by passing the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found duly supported by sound reasons and no prejudice of any kind, whatsoever, is likely to be caused to the petitioner, by passing of the impugned order. Under these undisputed facts and circumstances of case, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

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 present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

3.4.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No