

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2484 of 2017

Date of decision: April 06, 2017

Jarnail Singh

....Petitioner

Versus

Gram Panchayat Didarewala and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Dhirinder Chopra, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant civil revision preferred under Article 227 of the Constitution of India, petitioner has sought setting aside the impugned order dated 16th February, 2017 (Annexure P-4) passed by Additional Civil Judge (Senior Division), Nihal Singh Wala, in case No.105 dated 16.04.2016 titled as *Jarnail Singh Vs. Gram Panchayat Didarewala and others* whereby the plaintiff/petitioner to file two separate applications, one seeking impleadment of the above named persons in the above noted suit and the other seeking amendment of the suit and waive of the costs.

A glance at the impugned order transpires that a single application was moved by clubbing two different reliefs sought under Order I, Rule 10 (iv) of the Code of Civil Procedure (for short 'Code') and under Order VI, Rule 17 of the Code. In view of the observations made by this Court in case *Nirmal Singh and others Vs. Tarsem Singh and others, 2014 (4) CCC 670*, that an application by clubbing two reliefs under different provisions of law should be disallowed at the threshold and if insisted, they should be returned forthwith to the applicants with liberty to file fresh by

been dismissed. Though, in view of the observations made in the above referred judgment, application should have been returned for filing separate application for different reliefs sought for. It is cardinal principle of law that a person should not be condemned unheard on technical ground. Thus, the instant petition is dismissed with liberty to the petitioner to move separate applications before the trial Court which shall be dealt with and disposed of by the trial Court in accordance with law.

Since this order has been passed in the absence of respondents, if they feel so aggrieved, they shall be at liberty to approach this Court.

April 06, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No