

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.2720 of 2017 (O&M)
Date of decision: 03.05.2017

Punjab State Civil Supplies Corporation Limited and another

... Petitioners

Vs.

Food Corporation of India and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Deepali Puri, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition, at the hands of plaintiffs, filed under Article 227 of the Constitution of India, is directed against the order dated 28.11.2016 passed by the learned trial Court, dismissing the application of the petitioners filed under Order 6 Rule 17 and Order 1 Rule 10 of the Code of Civil Procedure for impleading the millers as party-defendants.

Heard learned counsel for the petitioners.

As per their own pleaded and argued case, petitioners-plaintiffs were well aware that the amount in question was deducted by defendant-Food Corporation of India ('FCI' for short) from the amount of the petitioners way back in the year 2011. This deduction was contested by the petitioners, contending that deduction made by FCI was illegal. Despite knowing all these

facts, plaintiffs-petitioners filed the suit for recovery only against FCI, as the petitioners had no grouse or claim against the millers. However, during pendency of the suit for recovery of the petitioners-plaintiffs, they had a second thought and then moved an application for amending the memo of parties and for impleadment of millers as party-defendants. It is also not in dispute that when this application came to be moved by the plaintiffs-petitioners, their claim for recovering any amount against the millers had already become time barred. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

Once the petitioners-plaintiffs were well aware of all the material facts right from day one, when the alleged excess deductions were made by FCI, they cannot be permitted to change their stand as per their suitability from time to time. Further, the learned trial Court has rightly observed that millers were not even necessary party, so far as the present suit for recovery filed by the plaintiffs-petitioners is concerned. Under these undisputed facts and circumstances of the 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.

During the course of hearing, learned counsel for the petitioners 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 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 since the impugned order has not been found suffering from any patent illegality, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

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

[RAMESHWAR SINGH MALIK]
JUDGE

03.05.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No