

CR No. 3059 of 2017 (O&M)

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

CR No. 3059 of 2017 (O&M)

Date of decision: 1.5.2017

Samay Singh

...Petitioner

Versus

Smt. Geeta Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. KDS Sodhi, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 21.3.2017 (Annexure P-2) passed by the learned trial court, whereby a formal defect in the affidavit of respondent No.1, who is defendant No.18 in the civil suit, was permitted to be rectified by allowing an application, plaintiff-petitioner has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

It is a matter of record that respondent No.1, who is defendant No.18 in the civil suit filed by the petitioner, has already tendered her affidavit in her examination-in-chief. However, since the said affidavit tendered in the court in the presence of counsel for both the parties was not an attested one, an application was moved on behalf of defendant No.18,

CR No. 3059 of 2017 (O&M)

respondent No.1 herein, to remove the said defect, so as to permit her either to get the said affidavit attested or to file a better affidavit. Since the prayer made by respondent No.1 in her application was neither going to affect merits of the case, nor it was likely to cause any kind of prejudice to the petitioner, the learned trial court rightly allowed the said application of respondent No.1 by passing the impugned order and the same deserves to be upheld.

It is the settled proposition of law that rules of procedures are meant for advancing the cause of justice. Every court must grant reasonable opportunity to both the parties to put up their best cases. Technicalities must not weigh with the courts, while doing complete and substantial justice between the parties. Conduct of the parties would also be one of the relevant factors. In the case in hand, neither there was any delay on behalf of respondent No.1 in moving the application before the learned trial court, seeking rectification of the bonafide mistake while tendering the affidavit in her examination-in-chief, nor the proceedings before the learned trial court were intended to be delayed by respondent No.1. Further, no prejudice of any kind whatsoever, was likely to be caused to the petitioner-plaintiff. Having said that, this Court feels no hesitation to conclude that the learned court below was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

During the course of hearing, learned counsel for the petitioner could not 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. In fact, the impugned order has been found duly

CR No. 3059 of 2017 (O&M)

supported by sound reasons 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.

1.5.2017

AK Sharma

(RAMESHWAR SINGH MALIK)

JUDGE

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No