

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

**CR No.3179 of 2017
Date of decision:19.5.2017**

Sat Pal Kapoor and another

...Petitioners

Versus

Ved Kapoor and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Prashant Bansal, Advocate for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 19.4.2017 passed by the learned first appellate court, whereby respondents No.2 to 5 were ordered to be transposed as appellants, allowing their application under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure('CPC' for short), two defendants in the civil suit have approached this Court by way of instant civil revision petition filed under Articles 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioners.

It is a matter of record and not in dispute that respondents No.2 to 5 appeared as PW-1 to PW-4 before the learned trial Court and supported the case of the plaintiff, despite the fact that they were impleaded as defendants in the suit. This material fact would show that respondents No.2 to 5 were supporting the cause put forth before the court by the plaintiff

right from day one and their interest was common with the plaintiff. This seems to be the basic reason that during pendency of first appeal, they moved an application under Order 1 Rule 10 read with Section 151 CPC for getting themselves transposed as appellants before the learned first appellate court.

Careful perusal of the impugned order passed by the learned Additional District Judge would show that no prejudice of any kind, whatsoever, has been caused to the petitioners by passing the impugned order. Having said that, this Court feels no hesitation to conclude that the learned first appellate court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Further, rules of procedure are meant for advancing the cause of justice. Keeping in view the peculiar fact situation obtaining on record of the present case as noticed hereinabove, the learned Additional District Judge was well justified in passing the impugned order, committing no error of law, which may warrant interference at the hands of this Court.

Finally, the learned first appellate court itself found it necessary to transpose respondents No. 2 to 5 as appellants in the first appeal so as to render an effective judgment, doing substantial justice between the parties. In such a situation, the learned first appellate court rightly exercised its powers under Order 1 Rule 10 read with Section 151 CPC and the impugned order 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 based on true facts of the case and it has also been passed, strictly in accordance with law. The impugned order is supported by sound reasons, because of which no fault can be found with it 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 the instant civil 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, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

19.5.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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