

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3286 of 2017 (O&M)
Date of decision: 09.05.2017

Kamaljeet Kaur

... Petitioner

Vs.

Jasbir Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition, filed by the defendant under Article 227 of the Constitution of India, is directed against the order dated 12.04.2017 passed by the learned trial Court, whereby application of the plaintiff for leading additional evidence was allowed.

Heard learned counsel for the petitioner.

It is a matter of record that site plan, which is being sought to be proved by the plaintiff by leading additional evidence by way of examination of Draftsman, was already there on record, as it was placed on record along with the plaint itself. The most important aspect of the matter is that it was the learned trial Court itself, who found this document to be essential and necessary for just decision of the case. This was the strong reason that the learned trial Court allowed the application of the plaintiff, permitting her to examine the Draftsman, so as to prove the site plan, which was already on record. The

learned trial Court was also conscious of the fact that no prejudice should be caused to the defendant and because of this reason, reasonable amount of costs was ordered to be paid by the plaintiff to the defendant. Having said that, this Court feels no hesitation to conclude that learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is the settled proposition of law that rules of procedure are meant for advancing the cause of justice. Every Court of law must make an endeavour to grant sufficient opportunity to both the parties to put up their best case before the Court. Nobody should be either condemned unheard or forced to go home with the grievance that reasonable opportunity was not afforded by the learned Court. By following this principle of law, the learned Court shall achieve twin objects namely; (i) it would avoid multiplicity of litigation between the parties and (ii) the learned Court shall be in a much better position to do complete and substantial justice between the parties. So far as the case in hand is concerned, the learned trial Court rightly followed the abovesaid principle 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 petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned trial Court, 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 passed by the learned trial Court 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 no illegality has been found in the impugned order passed by the learned trial Court, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No case 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

09.05.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No