

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3535 of 2017 (O&M)
Date of decision: 16.05.2017

Harwinder Pal Singh

... Petitioner

Vs.

General Public and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Amandeep Soni, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition, at the hands of defendant No.2, filed under Article 227 of the Constitution of India, is directed against the order dated 21.03.2017 (Annexure P-3) passed by the learned trial Court, whereby application moved by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure was allowed, granting an opportunity to amend the petition.

Heard learned counsel for the petitioner.

It is a matter of record that respondent No.2 has filed a petition under Sections 218, 222, 224 and 266 of the Indian Succession Act for grant of Probate of Will dated 27.05.2010, executed by late Sh. Kuldeep Singh, who was none else but father of respondent No.2. No doubt, respondent No.2 had already examined four of his witnesses. However, it is equally pertinent to note here that keeping in view the nature of controversy involved between the parties,

there was no scope of causing any prejudice to the petitioner, by allowing respondent No.2-petitioner before the learned trial Court, for amending his petition. It is also clear from the impugned order that the present petitioner was granted an opportunity to file his reply to the amended petition. Having said that, this Court feels no hesitation to conclude that since no prejudice of any kind, whatsoever, has been caused to the petitioner, the impugned order deserves to be upheld.

Perusal of the impugned order would also show that the learned Court below was conscious of the fact that the petitioner should be compensated by payment of reasonable costs and the same was ordered. Above all, the amendment sought by respondent No.2 was also found to be necessary by the learned trial Court itself for just decision of the case. In such a situation, it can be safely concluded that the learned Court below was well within its jurisdiction to pass 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.

16.05.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

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