

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CR-4170-2016

Date of Decision:10.05.2017

Dalbir Singh Sahrawat & another

.....Petitioners

Versus

Neelam Phaugat

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Suhail Sehgal, Advocate,
for Mr.N.S.Panwar, Advocate,
for the petitioners.

None for the respondent.

RAMESHWAR SINGH MALIK, J.(Oral)

Present revision petition, at the hands of the defendants, filed under Article 227 of the Constitution of India, is directed against the order dated 31.05.2016 (Annexure P-12) passed by the learned trial Court, whereby plaintiff was permitted to lead her remaining evidence at the stage of rebuttal evidence.

Notice of motion was issued.

Although, service has been effected on the respondent, yet nobody has come present on her behalf to oppose the present revision petition.

Heard learned counsel for the petitioners.

A bare perusal of the impugned order would show that it was the learned trial Court itself who found the evidence to be brought by the plaintiff on record by way of rebuttal evidence, as essential for just decision of the case. In this view of the material aspect of the matter, no fault can be

found with the impugned order. It is so said because the learned trial Court

was well within its jurisdiction to pass the impugned order, with a view to do substantial justice between the parties after arriving at a just conclusion and by rendering an effective judgment. The learned trial Court was also conscious of the fact that there was some delay on the part of the plaintiff to move the application and for this reason, defendants-petitioners were duly compensated by payment of reasonable costs. Having said that, this Court feels no hesitation to conclude that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld.

Inherent powers of the Court under Section 151 of the Code of Civil Procedure (for short “the CPC”) are meant for exercising in a situation like the present one. As and when the learned Court would feel any particular piece of evidence to be necessary for arriving at a judicious conclusion, the learned Court would do well while exercising its inherent powers under Section 151 CPC, with a view to do substantial justice between the parties. Only that is what has been done by the learned trial Court in the present case, while passing the impugned order and the same deserves to be upheld, for this reason also.

It is the settled proposition of law that rules of procedure are meant for advancing the cause of justice. Again, it is the settled proposition of law that the rules of procedure cannot be put in a straight jacket formula in every given fact situation. Every court of law must make an endeavour to strike a balance between the parties to the litigation by granting them sufficient opportunity to put-up their best case before the Court. Further, neither anybody should be condemned or unheard, nor should be forced to go home with the grievance that reasonable opportunity was not granted by

the learned court. While following the abovesaid 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 will be in a much better position to do complete and substantial justice between the parties. In the case in hand, learned trial Court has rightly followed the abovesaid principle of law, while passing the impugned order and the same deserves to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioners could not point out any kind of prejudice which might have been caused to the petitioners by passing the impugned order. He also could not point out any patent illegality or perversity, 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 sound reasons and the same deserves to be upheld.

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 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 above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

May 10, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No