

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CR-425-2016(O&M)

Date of Decision:24.05.2017

Kedar Nath

.....Petitioner

Versus

Mewa Ram and others

.....Respondents

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

Present: Petitioner in person.

Mr.Munish Gupta, Advocate,
for respondent No.1.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the order dated 14.12.2015 (Annexure P-4) passed by the learned trial Court, whereby application of the plaintiff under Order 1 Rule 10 of the Code of Civil Procedure (for short "the CPC") was dismissed, he has approached this Court by way of present revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard the petitioner in person and learned counsel for respondent No.1 as other respondent Nos.2 to 4 had already been proceeded against ex parte vide order dated 03.03.2016 passed by this Court.

A bare perusal of the impugned order would show that the learned trial Court mis-directed itself, while dismissing the application of the petitioner under Order 1 Rule 10 CPC because true facts of the case could not be appreciated in the correct perspective. Admittedly, it was the suit filed by the petitioner who wanted to implead legal representatives of

Amru s/o Sibu as party defendants. Plaintiff would gain nothing in delaying the proceedings of his own suit. In such a situation, the learned trial Court ought to have allowed the application of the petitioner, which would have facilitated the learned trial Court to render an effective judgment.

It is the settled proposition of law that rules of procedure are meant for advancing the cause of justice. Courts of law must make an endeavour to grant sufficient opportunity to both the parties to the litigation to put-up their best case before the Court. Nobody should be forced to go home with the grievance that reasonable opportunity was not granted. 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. However, in the case in hand, since the learned trial Court did not follow the above-said principle of law before passing the impugned order, the same cannot be sustained, 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 since the impugned order has been found suffering from patent illegality, the same cannot be sustained. Accordingly, impugned order dated 14.12.2015 (Annexure P-4) passed by the learned trial Court is hereby set aside. Application moved by the plaintiff-petitioner under Order 1 Rule 10 CPC would stand allowed. Since the suit is pending for quite some time, the learned trial Court is directed to ensure early decision of the civil suit.

Resultantly, with the above-said observations made and

directions issued, instant revision petition stands allowed, however, with no order as to costs.

After passing of this order, when the petitioner who was appearing in person had already left, learned counsel for respondent No.1 has come present again and pointed out to the Court that civil suit itself has been decided by the learned trial Court and first appeal of the plaintiff-petitioner is pending. If that is so, then the present revision petition would be treated to have been disposed of, as having been rendered infructuous.

May 24, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No