

CR No. 4073 of 2017 (O&M)

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

CR No. 4073 of 2017 (O&M)

Date of decision: 2.6.2017

Radha Soami Satsang Beas and another

...Petitioners

Versus

Shakuntal Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Dr. Puneet Kaur Sekhon, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 23.5.2017 (Annexure P-7) passed by the learned trial court, whereby application moved by the plaintiff under Order 1 Rule 10 of the Code of Civil Procedure ('CPC' for short) was allowed, impleading PWD as necessary party, defendants No.2 and 3 have approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioners.

A bare perusal of the impugned order would show that the learned trial court very rightly exercised its discretion keeping in view the peculiar fact situation of the case in hand, while allowing the application under Order 1 Rule 10 CPC. It is so said because no prejudice of any kind, whatsoever, is likely to be caused to the petitioner. Plaintiff would not gain anything in delaying her own suit. 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.

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Further, every court of law must make an endeavour to grant reasonable opportunity to both the parties to the litigation to put up their respective best cases before the court. Nobody should be forced to go home with the grievance that he was not granted due opportunity to put up its best case. While proceeding on this principle of law, the learned courts would be achieving twin objects; i) they would be avoiding multiplicity of litigation and ii), the learned courts would be in a much better position to do complete and substantial justice between the parties. It is equally true that while doing complete and substantial justice, technicalities must not be allowed to stand in the way of imparting justice. Since the learned trial court has rightly followed the abovesaid settled principle of law, while passing the impugned order, the same deserves to be upheld, for this reason as well.

So far as the judgment of Hon'ble Supreme Court in **Mumbai International Airport Pvt. Ltd. Vs. Regency Convention Centre & Hotels Pvt. Ltd. & others, 2010 AIR (SC) 3109**, relied upon by learned counsel for the petitioner, is concerned, there is no dispute about the law laid down therein. However, on a close perusal of the cited judgment, it has not been found to be of any help to the petitioner, being distinguishable on facts. 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. Sometimes, difference of even one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundara Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533, Union of India Vs. Amrit Lal Manchanda and others, 2004 (3) SCC 75, State of Orissa Vs. Md. Illiyas, 2006 (1) SCC 275 and State of Rajasthan VS. Ganeshi Lal, 2008 (2) SCC**

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A bare reading of the operative paragraph of the impugned order would make it crystal clear that in fact, it was the learned trial court itself who found impleadment of PWD as necessary party for passing an effective judgment. Once the learned trial court was of the view that PWD was a necessary party, with a view to do substantial justice between the parties and also to render an effective judgment, no fault can be found with 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, 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 has been found duly supported by sound reasons and the same deserve 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 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 abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

2.6.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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