

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

CR No.4665 of 2017

Date of decision:20.7.2017

Mann Singh

...Petitioner

Versus

Harjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Vijay Lath, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 11.5.2017 passed by the learned trial court, whereby application of the plaintiff for restoration of the suit was allowed, defendant has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

No doubt, the plaintiff ought to have been more vigilant, while pursuing his case. However, it is the settled principle of law that every court of competent jurisdiction must make an endeavour to decide the case on merits instead of technicalities. Only that is what has been sought to be done by the learned trial court, while passing the impugned order, whereby application for restoration of the suit moved by the plaintiff was rightly allowed. Having said that, this Court feels no hesitation to conclude that the

learned trial court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

A perusal of the impugned order would also show that suit was ordered to be restored by the learned trial court, subject to payment of reasonable cost by the plaintiff to the respondent-defendant. Further, no prejudice of any kind, whatsoever, was going to be caused to the defendant-petitioner by passing the impugned order by the learned trial Court. It is so said because the petitioner shall have opportunity to prove his case before the learned court below. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned trial court committed no error 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, 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 is supported by sound reasons, because of which no fault can be found with it 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 the instant civil revision petition is wholly 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, the present civil revision petition stands dismissed, however, with no order as to costs.

20.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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