

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5095 of 2017 (O&M)
Date of decision: 04.08.2017

Sandeep Kaur

... Petitioner

Vs.

Hakam Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Instant civil revision petition, at the hands of plaintiff, under Article 227 of the Constitution of India, is directed against the order dated 18.03.2017 (Annexure P-1) passed by the learned trial Court, whereby application moved by respondent No.1 under Order 1 Rule 10 of the Code of Civil Procedure was allowed.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order passed by the learned trial Court shall make it crystal clear that the learned trial Court was conscious of detailed background of the case, which was rightly taken into consideration for the purpose of passing the impugned order. Respondent-Hakam Singh has already filed a suit, wherein Chamkaur Singh was partner of the defendant-firm M/s Beant Singh Harbhajan Sing. In fact, petitioner is trying to play

smart, so as to defeat the genuine claim of respondent No.1-Hakam Singh. 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.

Neither any prejudice has been caused to the petitioner by passing the impugned order nor any such prejudice has been pointed out by learned counsel for the petitioner that might have been caused to the petitioner nor any such prejudice is likely to be caused to the petitioner in future, because of passing the impugned order. The learned trial Court was well justified in making an endeavour to do substantial justice between the parties. Passing of the impugned order shall also avoid multiplicity of litigation between the parties, which is one of the laudable objects sought to be achieved by the Courts of law. In this view of the matter, 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 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 based on sound reasons, because of which 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 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 ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petitions stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

04.08.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No