

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CR-5207 of 2017

Date of Decision:08.08.2017

Vice Chancellor, Punjab Agricultural
University, Ludhiana and others

.....Petitioners

Versus

Swaran Singh

.....Respondent

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

**Present: Mr.Rajneesh Malhotra, Advocate,
for the petitioners.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the order dated 06.02.2017 passed by the learned first appellate court, whereby an application under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure (for short “the CPC”) filed by the respondent-plaintiff, seeking correction in the name of defendants-appellant, was allowed, defendants have approached this Court by way of present revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioners.

It is wholly unwarranted and unavoidable litigation. Petitioners were well aware about the claim put-forth by the plaintiff-respondent right from day one. Plaintiff was not a stranger to the petitioners-defendants, being the former employee of the petitioner-University. In this view of the

matter, petitioners were not being taken by any surprise. Further, no

prejudice of any kind, whatsoever, is going to be caused to the petitioners by passing the impugned order. The learned first appellate court, while passing the impugned order, has rightly allowed the application of the respondent-plaintiff, without committing any kind of illegality, because of which impugned order deserves to be upheld.

Correction in the memo of parties sought by the plaintiff-respondent was nothing more than a typographical and clerical error. Suit of the plaintiff had already been decreed by the learned trial court. Plaintiff was claiming his retiral benefits. Entire case of the petitioners, as sought to be argued before this Court, is based on technicalities alone.

It is the settled proposition of law that rules of procedure are meant for advancing the cause of justice. Every court of law must make an endeavour to decide the *lis* on merits instead of technicalities. Having said that, this Court feels no hesitation to conclude that the learned appellate 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 petitioners could not point out any patent illegality or perversity in the impugned order passed by the learned first appellate court. The impugned order has been found based on sound reasons 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 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.

August 08, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No