

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

CR No. 5357 of 2017 (O&M)
Date of decision: 11.8.2017

Roshan Lal

...Petitioner

Versus

Kewal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Parvinder Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against order dated 27.7.2017 (Annexure P-5), whereby his application under Order 1 Rule 10 CPC was dismissed by the learned trial court, petitioner has 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 petitioner.

It has gone undisputed before this court that petitioner was not owner of the suit property. He was only a power of attorney holder. On the basis of the power of attorney, he executed a rent deed dated 23.5.2017, which is in dispute between the parties. It were the plaintiffs who executed the power of attorney in favour of the petitioner. 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.

Once the plaintiffs, who executed the power of attorney in favour of the petitioner, themselves have filed the suit raising doubt on the act and conduct of the petitioner, coupled with the fact that learned trial court has

rightly observed that effective judgment and decree can be rendered in the absence of the petitioner, no fault can be found with the impugned order. Had the learned trial court felt necessity of presence of the petitioner for rendering an effective judgment, in that situation, matter would have been different. Under these undisputed facts and circumstances of the case, it can be safely concluded that the learned court below 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. In fact, the impugned order has been found duly supported by sound reasons and the same deserves 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.

11.8.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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