

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5617 of 2017 (O&M)
Date of decision: 23.08.2017

Pritam Singh

... Petitioner

Vs.

Darshan Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Tarun Singla, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 13.07.2017 (Annexure P-5) passed by the learned trial Court, whereby his application for summoning the school record at the stage of rebuttal evidence, was dismissed, plaintiff has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that the learned trial Court was well within its jurisdiction to pass the impugned order. Application (Annexure P-3) moved on behalf of the petitioner before the learned trial Court would show that it was a totally non-speaking and cryptic application. Even the purpose for summoning the school record was not at all mentioned in the application. Plaintiff was expecting too much from the

learned trial Court. It was not the duty of the Court to grant such an application, which was not disclosing any purpose at all. Having said that, this Court feels no hesitation to conclude that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld.

It has also gone undisputed before this Court that while leading his evidence in affirmative, petitioner-plaintiff did not reserve his right under Order 18 Rule 3 of the Code of Civil Procedure to lead his rebuttal evidence. In such a situation, application (Annexure P-3) would not be maintainable. All the facts were well known to the petitioner-plaintiff right from day one. It is not even the argued case on behalf of the petitioner-plaintiff that he was not granted sufficient opportunity by the learned trial Court to lead his evidence in affirmative. Under these undisputed facts and circumstances of the case, no fault can be found with the impugned order passed by the learned trial Court 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, which 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 petitions is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

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

[RAMESHWAR SINGH MALIK]
JUDGE

23.08.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No