

CR No. 6399 of 2017

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No. 6399 of 2017
Date of Decision: 20.9.2017**

Baldev Singh

.....Petitioner

Vs.

Jaswinder Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Atul Jain, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the order dated 18.8.2017 passed by the learned trial court, whereby additional issue No. 6-A was framed, defendant has approached this Court by way of present revision petition.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order and particularly observations made by the learned trial court in para 4 thereof, would make it crystal clear that it was the learned trial court which felt necessity of framing of additional issue No.6-A for proper adjudication of the suit between the parties. Learned counsel for the petitioner has fairly conceded that this additional issue No.6-A could have been framed *sou moto* by the learned

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trial court. Once it is so, no fault can be found with the impugned order passed by the learned trial court simply because additional issue No.6-A was framed by allowing the application of the plaintiff. Had the learned trial court not felt necessity of framing of issue No.6-A, position might have been different. No prejudice of any kind, whatsoever, has been caused to the petitioner by passing of the impugned order. Having said that, this Court feels no hesitation to conclude that the learned court below was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It goes without saying that both the parties shall be granted sufficient opportunity by the learned trial court to lead their evidence on the abovesaid additional issue No.6-A. Further, it is the settled proposition of law that rules of procedures are meant for advancing the cause of justice. Once the abovesaid most material issue in the form of additional issue No.6-A could not be framed by the learned trial court at an earlier point of time because of inadvertence and oversight, it cannot be said that learned trial court exceeded its jurisdiction, while framing the additional issue No.6-A, by 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.

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

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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.

20.9.2017
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No