

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CR-6435 of 2017

Date of Decision:21.09.2017

Om Parkash and others

.....Petitioners

Versus

Gram Panchayat, Dhani Thoba
through its Sarpanch and another

.....Respondents

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

Present: Mr.R.S.Mamli, Advocate,
for the petitioners.

RAMESHWAR SINGH MALIK, J.(Oral)

Present civil revision petition, at the hands of the plaintiffs, filed under Article 227 of the Constitution of India, is directed against the order dated 05.09.2017 passed by the learned trial court, whereby application filed by the defendant-Gram Panchayat under Order 6 Rule 17 of the Code of Civil Procedure, seeking amendment in the written statement was allowed.

Heard learned counsel for the petitioners.

After careful perusal of the record and particularly para 4 of the impugned order as well as giving due consideration to the contentions raised by learned counsel for the petitioners, this Court is of the considered opinion that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld.

It is a matter of record that earlier written statement was filed

by previous Sarpanch of the respondent-Gram Panchayat. After re-examination of the official record, present Sarpanch came forward and moved the application before the learned trial court, seeking amendment in the written statement already filed as the same was contrary to the record. Further, it is the learned trial court who has ultimately found the amendment in the written statement to be necessary, so as to determine the real controversy between the parties. Once the learned trial court itself has found the amendment in the written statement to be essential to arrive at a judicious conclusion, the impugned order has not been found suffering from any patent illegality 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 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. 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.

However, before parting with the order, it is made clear that after filing the amended written statement by the defendant-Gram Panchayat, the learned trial court shall frame any additional issue if required

or recast any issue already framed, in case such necessity arises. Further, plaintiffs shall also be permitted to lead their fresh evidence as per amended written statement in case any such necessity arises. The learned trial court shall ensure that both the parties get sufficient opportunity to put-up their best case before the Court.

Resultantly, with the above-said observations made and directions issued, instant revision petition stands dismissed, however, with no order as to costs.

September 21, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No