

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CR-6465 of 2017

Date of Decision:21.09.2017

Manav Bhushan Jain

.....Petitioner

Versus

Ranjit Kumar and others

.....Respondents

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

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

RAMESHWAR SINGH MALIK, J.(Oral)

Present civil revision petition, filed under Article 227 of the Constitution of India, at the hands of defendant No.3, is directed against the order dated 08.09.2017 passed by the learned trial court, whereby his application moved under Order 14 Rule 5 of the Code of Civil Procedure, for framing additional issues was declined by the learned trial court.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order and particularly para 5 thereof at page 35 of the paper-book will make it crystal clear that the learned trial court was alive to the fact situation obtaining on record in the case in hand. This was the reason that the learned trial court at the time of passing the impugned order, has specifically observed that issue No.4 has already been framed and framing of additional issue was not at all required.

Further, defendant No.3-petitioner has been granted liberty to lead evidence

to prove the said issue i.e. issue No.4. 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.

No prejudice of any kind, whatsoever, has been caused to the petitioner-defendant No.3 by passing the impugned order by the learned trial court. Admittedly, plaintiffs have already closed their evidence. Issues were framed by the learned trial court long back and thereafter, plaintiffs started leading their evidence. Petitioner kept conveniently silent for quite some long time and there is no plausible explanation forthcoming as to why this type of application could not be filed by the petitioner at an early point of time and immediately after framing of issues in case framing of additional issue was so necessary. When confronted with this fact situation, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. In this view of the matter, 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. 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.

September 21, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No