

CR No. 6732 of 2017 (O&M)

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

**CR No. 6732 of 2017 (O&M)
Date of Decision: 28.9.2017**

Naveen

.....Petitioner

Vs.

Ram Niwas and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Sunita Nambiar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Defendant has approached this Court by way of present civil revision petition filed under Article 227 of the Constitution of India against the order dated 4.9.2017 (Annexure P-5), whereby his application for directing plaintiff No.3 for admission/denial of writing (Ex.D2) was dismissed by the learned trial court.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner has fairly conceded that plaintiffs have already closed their evidence. Perusal of the impugned order would also show that defendant-petitioner is leading his evidence. During the course of evidence, petitioner-defendant brought on record writing (Ex.D2) and thereafter, he moved an application seeking a direction against plaintiff No.3 for admission/denial of said writing.

So far as remedy of seeking a direction to the opposite party for admission/denial of any document is concerned, admittedly, that stage has already gone because the petitioner has missed the train long back. He could have done so by invoking the provisions contained in Order XII Rule 2 CPC, before the plaintiffs started leading their evidence. However, petitioner did not do so for the reasons best known to him and allowed the plaintiffs to conclude their evidence. Having said that, this Court feels no hesitation to conclude that the learned court below committed no error of law, while passing the impugned order and the same deserves to be upheld.

Plaintiffs could not be put to a disadvantageous position at this stage and that too, on the asking of the defendant-petitioner because the plaintiffs have already concluded their evidence. So far as scope of an amicable settlement between the parties is concerned, it shall always be open to them and no court shall come in their way. If the parties are intending to settle the matter amicably, they would always be at liberty to approach the learned trial court for the said purpose and the learned trial court shall also make an endeavour to enable them to arrive at an amicable settlement. So far as the impugned order is concerned, no fault can be found with the same and it deserves to be upheld.

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, for this reason also.

No other argument was raised.

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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.

28.9.2017
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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