

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

Civil Revision No.6918 of 2014

Date of Decision: January 27, 2017

Gurinder Singh

...Petitioner

Versus

Jugal Kishore & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Manuj Nagrath, Advocate,
for the petitioner.

Mr.Rajiv Kataria, Advocate,
for the respondents.

RAMESHWAR SINGH MALIK, J.(Oral)

Present civil revision petition is directed against the order dated 19.08.2014 (Annexure P-6) passed by learned trial Court, whereby application filed by the defendant-petitioner under Order 11, Rules 1 & 2 read with Section 151 of the Code of Civil Procedure, was dismissed.

Notice of motion was issued and further proceedings before learned trial Court were stayed.

Heard learned counsel for the parties.

The impugned order, which is a short and cryptic one, reads as under:-

“Heard on the application under Order 11 Rule 1 & 2 read with Section 151, CPC, filed by the defendants. Perusal of the file transpires that earlier defendants had filed an application under Order 7, Rule 11, CPC and said

application has been dismissed by this Court and the defendant is directed to file the written statement but despite filing written statement, defendants filed another application. In view of the matter, application under consideration is disposed off being not maintainable at this stage. The defendants are directed to file written statement on 03.09.2014 positively.”

A bare reading of the abovesaid impugned order would show that the learned trial Court miserably failed to examine, consider and appreciate as to what were the contents of application moved by the defendant-petitioner and what prayer he has made in the said application. The order is not only patently illegal but the same is non-speaking and cryptic as well. Such judicial order cannot be sustained under any circumstances. Learned trial Court was under legal obligation to support its order with some reasons, if not, detailed ones.

Having said that, this Court feels no hesitation to conclude that the impugned order cannot be sustained being patently illegal and cryptic order.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, and without commenting anything further on the nature and quality of the order passed by learned trial Court, the same is hereby set aside

Consequently, learned trial Court is directed to reconsider the matter and decide the application afresh by passing an appropriate order however, strictly in accordance with law.

With the abovesaid observations made and directions issued,
present revision petition stands allowed, however, with no order as to
costs.

January 27, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>