

CR No. 7139 of 2017 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No. 7139 of 2017 (O&M)

Date of decision: 12.10.2017

Narjit Singh Dhillon

...Petitioner

Versus

Simarjit Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Aashna Gill, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present civil revision petition under Article 227 of the Constitution of India, at the hands of defendant No.2, is directed against the order dated 29.8.2017 (Annexure P-4), whereby application under Order VI Rule 17 CPC moved by the plaintiff-respondent, seeking amendment in the plaint, was allowed by the learned trial court.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would make it crystal clear that observations made by the learned trial court at page Nos. 41 and 42 of the paper book, to the effect that amendment in the plaint was necessary for proper adjudication of the case and the petitioner was also a necessary party to the suit and the matter cannot be finally adjudicated in his absence, are factually correct and legally justified. In this view the matter, no fault can be found with the impugned order and the same deserves to be upheld. It is so said because once the learned trial court itself has felt the necessity of amendment in the plaint for proper adjudication of the case, no

CR No. 7139 of 2017 (O&M)

prejudice was likely to be caused to the defendants, particularly when the case was at the initial stage and evidence of the plaintiff was yet to start.

Similarly, once the court below found the petitioner to be a necessary party to the suit and the matter could not have been finally adjudicated in his absence, he was rightly ordered to be impleaded as party-defendant No.2, so as to enable the learned trial court to arrive at a judicious conclusion, with a view to do substantial justice between the parties. No illegality can be attached to such a sound approach adopted by the learned trial court, while passing the impugned order and the same deserves to be upheld, for this reason also.

Neither the learned trial court has been found to have exceeded its jurisdiction, nor any error of law was committed by it, at the time of passing the impugned order. It is the settled proposition of law that rules of procedures are meant for advancing the cause of justice. Further, every court of law must make an endeavour to grant reasonable opportunity to both the parties to the litigation to put up their respective best cases before the court. Nobody should be forced to go home with the grievance that he was not granted due opportunity to put up its best case.

While proceeding on this principle of law, the learned courts would be achieving twin objects; i) they would be avoiding multiplicity of litigation and ii), the learned courts would be in a much better position to do complete and substantial justice between the parties. Since the learned trial court has rightly followed the abovesaid settled principle of law, while passing the impugned order, the same deserves to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioner

CR No. 7139 of 2017 (O&M)

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.

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 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.

12.10.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No