

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7168 of 2017

Date of decision: 13.10.2017

M/s Royal Electrical Systems Pvt. Ltd.

... Petitioner

Vs.

M/s Vineet Enterprises and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Varun Issar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Present civil revision petition under Article 227 of the Constitution of India, filed at the hands of plaintiff, is directed against the order dated 10.08.2017 passed by the learned trial Court, whereby application of the defendants for leave to defend, was allowed.

Heard learned counsel for the petitioner.

It is a matter of record that the entire suit of the plaintiff-petitioner under Order XXXVII of the Code of Civil Procedure (for short 'CPC') is based on an order dated 25.01.2016 (Annexure P-4) passed by the learned Rent Controller. It is also not in dispute that the order dated 25.01.2016 (Annexure P-4) is under challenge at the hands of defendants. Once the order dated 25.01.2016 (Annexure P-4) has not attained finality so far in favour of the plaintiff-

petitioner, the learned trial Court was well within its jurisdiction to grant unconditional leave to the defendants to defend the case.

A bare perusal of the impugned order passed by the learned trial Court would show that not only the provisions of law contained in Order XXXVII CPC, but also the relevant judgments were duly considered and the law laid down therein was rightly followed, before passing the impugned order. 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.

Had the order dated 25.01.2016 (Annexure P-4) attained finality between the parties, the matter would have been entirely different. However, as noticed hereinabove, the order dated 25.01.2016 (Annexure P-4) is under challenge at the hands of defendants. In the present case, if the unconditional leave to defend would not have been granted by the learned trial Court before passing the impugned order and the order dated 25.01.2016 (Annexure P-4) would have been set aside in appeal at the hands of respondents-defendants, an irreparable loss would have been caused to them. On the other hand, no irreparable loss is likely to be caused to the plaintiff-petitioner by passing the impugned order. In such a situation, the learned trial Court rightly exercised its jurisdiction in favour of the defendants, while passing the impugned order 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, 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 passed by the learned trial Court 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 since no illegality or perversity has been found in the impugned order, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

13.10.2017
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No