

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

Civil Revision No. 958 of 2017(O&M)

Date of decision: 9.2.2017

Hardev Singh Subedar

...Petitioner

Versus

Baldev Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Bhavyadeep Walia, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of the plaintiff, is directed against the order dated 1.2.2017 (Annexure P-1) passed by learned trial court, whereby defendant was granted one last and final opportunity to conclude his remaining evidence.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order dated 1.2.2017 (Annexure P-1) would make it crystal clear that although defendant-Baldev Singh was very much present in the court on 19.12.2016, yet his presence could not be noticed by the Court, because he put his signatures on the reverse side of the page and due to that serious communication gap, his evidence came to be closed inadvertently by the court order. When this bonafide error apparent on record was brought to the notice of the court, learned court was well justified to pass the impugned order 1.2.2017.

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In fact, only a judicial record was put straight by learned trial court by passing the impugned order, which has not been found suffering from any patent illegality or perversity. Further, no prejudice of any kind, whatsoever, has been caused to the petitioner by passing the impugned order. It seems that instant revision petition has been filed only for the sake of filing and with a view to deny the genuine claim of the defendant. Having said that, this Court feels no hesitation to conclude that learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

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

9.2.2017

AK Sharma

(RAMESHWAR SINGH MALIK)

JUDGE

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No