

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6976 of 2018

Date of Decision: 04.12.2018

Paramjit Singh

.....Petitioner

Vs.

Balwinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kanwal Rahul Singh, Advocate, for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned trial Court [Civil Judge (Junior Division)], Ajnala, dated 28.09.2018, by which, after respondent no. 1-defendant had been allowed to join proceedings upon an application filed by him under Order IX Rule 7 CPC, he has also now been allowed to lead evidence, with the petitioner-plaintiffs' evidence not having concluded.

On two dates earlier that this case had come up for hearing, i.e. 12.10.2018 and 22.11.2018, either a request for an adjournment had been made or counsel for the petitioner had not turned up, with it therefore having been adjourned till today for the last time.

Today, learned counsel for the petitioner submits that as a matter of fact the petitioner is aggrieved only of the last line of the impugned order, as contained in paragraph 8, which reads as follows:-

“Case stands adjourned to 12.10.2018 for defendant evidence.”

The grievance, thus, is that though in paragraph 7 of the impugned order, the matter was adjourned to 12.10.2018 for the plaintiff to lead evidence, a last opportunity having been granted to him to do so, however, in paragraph 8 it is

stated that the matter was adjourned at that stage to 12.10.2018 for defendants' evidence.

Very obviously, the said line is a typographical error when read with what is contained in the first sentence of paragraph 7 and consequently, an appropriate application could easily have been filed before the trial Court for correction of the said typographical/clerical error, with it is not understood as to why, for such an issue, a revision petition has been filed before this Court, which obviously seems to be carrying some ulterior motive.

It is also to be noticed that, upon query, counsel for the petitioner submits that, thereafter, the petitioner (plaintiff) has been leading his evidence before that Court, with respondent-defendants' evidence still to commence.

That being so, I see absolutely no reason to interfere in the impugned order, with it obviously clarified that the last line of the impugned order would read to say that the matter had that stage been adjourned to 12.10.2018 for leading the plaintiffs' evidence and not the defendants.

This petition, being a wholly 'frivolous' one, is therefore dismissed with costs of Rs. 5,000/-, to be paid to the High Court Legal Services Authority.

It is to be stated here that the observations of this Court have been made in the light of the submission made to this Court with regard to the plaintiffs' evidence still continuing before the trial Court.

A report with regard to the payment having been made be put up before this Court within three weeks.

December 04, 2018
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.