

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

CR-3052 of 2021 (O&M)

Date of decision: 01.12.2021

Tara Singh

...Petitioner

Versus

Daljeet Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Naveen Batra, Advocate for the petitioner.

H.S. MADAAN, J.(Oral)

Case taken up through video conferencing.

This revision petition under Article 227 of the Constitution of India has been filed by petitioner Tara Singh, defendant in the civil suit for recovery filed by plaintiffs Daljeet Singh and Baljeet Singh against him, feeling aggrieved by order dated 25.08.2021 passed by Addl. Civil Judge (Sr. Divn.) Garhshankar, allowing an application under Order 6 Rule 17 CPC as well as application under Order 1 Rule 10 CPC, impleading son of the present petitioner Rajandeep Singh as co-defendant in the civil suit.

Briefly stated facts of the case are that, plaintiffs Daljeet Singh and Baljeet Singh sons of Sh. Sewa Singh, residents of Village Rupowal, Tehsil Garhshankar, District Hoshiarpur had filed a suit for recovery of Rs.16,02,900/- against defendant Tara Singh alleging that in the month of January 2018, at request of defendant, the plaintiffs had

advanced a sum of Rs.13,70,000/- by way of making different payments detailed in the plaint to him and defendant agreed to return the amount with interest @ 1% per month; however, the defendant failed to return the amount despite repeated demands and requests, though, he had given a writing to the plaintiffs with regard to return of money; feeling aggrieved, the plaintiffs have brought the suit against the defendant.

On notice, the defendant appeared and filed written statement, contesting the suit, contending that the writing/agreement dated 20.05.2019 was false and fabricated; the defendant had not borrowed any sum from the plaintiffs, as such, there was no question of returning the same with interest by him, rather, he set up a case that the defendant was owner of the landed property measuring 12 acres situated at village Rupowal and the plaintiffs had been cultivating the said land as tenants for the last more than 25 years; the defendant used to help them financially; the accounts were settled between the parties and a writing dated 20.05.2019 came into being; the plaintiffs had obtained signatures and thumb impression of defendant on blank stamp papers, which they in connivance with witness and other associates converted into documents, though, the defendant is not bound by the same; the defendant prayed for dismissal of the suit.

The plaintiffs filed replication; thereafter, they moved an application U/o 6 Rule 17 CPC for amendment of the plaint so as to

add name of Rajandeep Singh, who according to them along with defendant No.1 had approached them for grant of financial assistance and accordingly they had transferred the amount of Rs.13,70,000/-; at that time, Tara Singh had represented that he was receiving the amount in his account by giving the account numbers but later on, it transpired that those account numbers belong to son of the defendant, namely, Rajandeep Singh; in that way, the plaintiffs could not implead Rajandeep Singh earlier but now on coming to know about the factual position, they had moved an application U/o 1 Rule 10 CPC to implead him besides filing another application U/o 6 Rule 17 CPC, seeking amendment of the plaint accordingly so as to add name of Rajandeep Singh at relevant places; this application as well as other application U/o 1 Rule 10 CPC filed on behalf of the plaintiffs was contested by the defendant, however, the trial Court vide impugned order dated 25.08.2021 accepted both the applications, leaving the defendant aggrieved and he has challenged the said order by way of filing the present revision petition.

I have heard learned counsel for the revisionist/defendant besides going through the record and I find that there is absolutely no merit in the revision petition. The impugned order is quite detailed, well reasoned and does not suffer from any illegality or infirmity, much less the same being arbitrary or having been passed in violation of the settled judicial position on the subject. The case before the trial Court

is at initial stage inasmuch as the issues are yet to be framed. The trial Court has categorically observed that the amendment sought for by the plaintiffs would be helpful in determining the real controversy between the parties. For the delay caused, the defendant has been adequately compensated in terms of costs to the tune of Rs.5000/-. I do not find any reason to interfere with such order by exercising revisional jurisdiction. The revision petition is doomed for failure and is dismissed accordingly.

01.12.2021

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(H.S. MADAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No