

Mukhtyar Singh (Deceased)Through His ... vs Harbans Singh on 13 January, 2020

Bench: Sanjay Kishan Kaul, K.M. Joseph

ITEM NO.7

COURT NO.12

SECTION XIV

S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C)

No(s).

425/2020

(Arising out of impugned final judgment and order dated 03-10-2019 in CR No. 107/2019 passed by the High Court of Himachal Pradesh at Shimla)

MUKHTYAR SINGH (DECEASED)THROUGH HIS LRS & ANR.

Petitioner(s)

VERSUS

HARBANS SINGH & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 13-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Md. Ali, AOR

Mr. Priyal Anand,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the petitioners contends that the amendment to the plaint under Order VI Rule 17 of the Civil Procedure Code being interlocutory in character could not have given rise to Revision Petition filed by the respondents which resulted in the impugned order and seeks to rely upon the judgment of this Court in the case of Tek Singh v. Shashi Verma and Anr. (2019) SCC OnLine SC 168.

On our query it cannot be disputed by the learned counsel for the petitioners that in the given situation power could have been exercised under Article 227 of the Constitution of India.

On a perusal of the impugned order on merits, we do not find any fault with the impugned order and thus it can be treated as an order passed under Article 227 of the Constitution of India.

We are thus not inclined to exercise our jurisdiction under Article 136 of the Constitution of India. The special leave petition is accordingly dismissed.

The suit being already nine years old and trial not having commenced, we call upon the Trial Court that the trial be concluded and judgment pronounced within a period of six months from the date of communication of this order.

Pending application, if any, shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER