

(2016) 05 P&H CK 0026
In the Punjab And Haryana At Chandigarh
Case No : CR No. 8822 of 2014(O&M)

Gurjit Singh

APPELLANT

Vs

Ashwani Kumar Tangri

RESPONDENT

Date of Decision : 28-05-2016

Acts Referred:

Citation : (2016) 05 P&H CK 0026

Hon'ble Judges : Darshan Singh, J.

Bench : Single Bench

Advocate : Mr. Mahesh Dheer, Advocate, for the Petitioner; Mr. P.S. Mattewal, Addl.AG, Punjab, for the Respondent

Final Decision : Dismissed

Judgement

Darshan Singh, J. (Oral) - The present revision petition has been preferred against the order dated 02.09.2014 passed by the learned Civil Judge (Junior Division), Nabha, whereby the application filed by the petitioner for rejection of the written statement has been dismissed.

2. Learned counsel for the petitioner contended that initially the suit for recovery for unquantified damages and compensation was filed by the plaintiff against respondents no.1 to 3. They have filed the written statement wherein this plea was taken that the State of Punjab was the necessary party. So, the State of Punjab was impleaded as defendant no.4. He contended that the written statement on behalf of respondent no.4 was filed by respondent no.2 Amandeep Kaur, the Range Officer, Wild Life Range, Bhadson-I, Nabha, District Patiala though she has already filed her written statement. He contended that respondent no.2 had no authority to file the written statement on behalf of the State of Punjab as she was never authorised by the State of Punjab in this behalf as required under Order 27 Rule 1 of the Code of Civil Procedure, 1908 (for short "CPC"). Thus, he contended that respondent no.2 has un-authorisedly filed the written statement on behalf of the State of Punjab. The said written statement is liable to be rejected.

3. On the other hand, learned counsel for the respondents contended that respondent no.2 is a Range Forest Officer, who is a gazetted officer. She is competent to file the written statement on behalf of the State of Punjab by virtue of her office. So, there is no illegality in the written statement filed by the State of Punjab.

4. I have duly considered the aforesaid contentions.

5. Order 27 Rule 1 CPC provides that written statement shall be signed by such person as the Government may, by general or special order, appoint in this behalf, and shall be verified by any person whom the Government may so appoint and who is acquainted with the facts of the case. Note 4 of Para no. 13.8 Part-III (Civil Business) Chapter 13 of the Law Department Manual, 1938 reads as under:-

Note 4.- Under Order XXVII Rule 1 of the Code of Civil Procedure, 1908, it has been ordered that in all suits by or against the Punjab Government plaintiffs or written statements on behalf of the Punjab Government shall be signed and verified by the Deputy Commissioner for the time being of the district in which the cause of action in whole or in part arises or by any other gazetted officer of the department who is acquainted with the facts. (Punjab Government Notification No.1073-J-37/13017, dated 1st April, 1937).

6. As per the aforesaid note, any gazetted officer of the department acquainted with the facts of the case is competent to file the written statement on behalf of the State of Punjab. So, it cannot be stated that respondent no.2 Amandeep Kaur, the Range Forest Officer was not competent to file the written statement on behalf of the State of Punjab.

7. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order passed by the learned trial Court, which does not call for any interference by this Court.

8. Consequently, the present revision petition having no merits, is hereby dismissed.