
(1980) 07 P&H CK 0018
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 667 of 1980

State of Punjab

APPELLANT

Vs

Amar Chand Walia

RESPONDENT

Date of Decision : 19-07-1980

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 27 Rule 1, Order 27 Rule 5

Citation : AIR 1980 P&H 318

Hon'ble Judges : D.S. Tewatia, J

Bench : Single Bench

Judgement

1. In a suit against the Punjab Government by one of its employees, the Inspector-General of Police, Punjab, had signed the written statement filed on behalf of the Government as a person authorised by notification for the purpose of O. 27, R. 1, Civil P. C. as the case related to the Police Department. The trial Court, in compliance with the provisions of R. 5-B of O. 27, C.P.C., being of the opinion that a settlement was possible between the parties, desired, by order dated 17-1-1980, that on the next date of hearing, viz. 28-1-1980 the person, who had signed the written statement on behalf of the Government, should appear in the Court to assist it in effecting a settlement. An application was then moved on behalf of the Inspector-General of Police, Punjab that a Superintendent of his office who was a gazetted officer and was well conversant with the facts of the case, would appear in Court to assist the Court. This application was treated by the trial Court as an application for review of its order dated 17-1-1980. The trial Court rejected this application, vide its order dated 19-2-1980, holding that the grounds mentioned in the said application were not germane to the review of its earlier order dated 17-1-1980 and additionally observed that since the Inspector-General of Police, Punjab had signed the written statement and he was one of the persons who had been notified for the purpose of R. 1 of O. 27, C.P.C., it shows that he was the only person who could appear for effecting a settlement in the case on behalf of the Government.

2. In my opinion, the trial Court is wrong on both counts. Neither the application in question was an application for review of the earlier order of the trial Court, nor it is right to say that the Inspector-General of Police was the only competent person for the purpose of Rr. 5-B and 6 of O. 27, C.P.C. R. 6 of O. 27 is in the following terms:

"6. The Court may also, in any case in which the Government Pleader is not accompanied by any person on the party of the Government; who may be able to answer any material questions relating to the suit, direct the attendance of such a person."

A perusal of this rule would show that what it requires is a person who may be able to answer any material question relating to the suit that may be posed by the Court. These words do not warrant insisting of the Court on the presence of a particular person. The Court can require the presence of a person who is well conversant with the facts of the case and would be able to assist the Court in effecting a settlement.

3. Despite the legal position being what I have already observed, the impugned order shall stand in view of the proviso to S. 115, C.P.C. which envisages that only such order can be reversed which, if allowed to stand, would occasion the failure of justice or cause an irreparable injury to the party against whom it was made or if a favourable order instead of the impugned order that had been passed by the Court below, in favour of the party applying for revision against the impugned order, would have finally disposed of the suit or the proceedings in question. In the present case, the order does not satisfy any of the qualifications.

4. For the reasons abovementioned, the revision petition is dismissed with no order as to costs.

5. Petition dismissed.