

Vijay Mehan Vs Punjab State Small Industries and Export Corporation Ltd.

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 16, 2011

Acts Referred: Constitution of India, 1950 " Article 227

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Ram Chand Gupta, J.

Petitioner has invoked supervisory jurisdiction of this Court under Article 227 of the Constitution of India for

quashing of order dated 21.10.2011 passed by learned Additional District Judge, Ludhiana, vide which application for correction/amendment in

the plaint was allowed.

2. I have heard learned counsel for the petitioner and have gone through the whole record carefully including the impugned order passed by

learned trial Court.

3. Briefly stated, respondent-plaintiff filed this suit for recovery of Rs. 6,82,449.61 against the present petitioner. The suit was filed through

Manmohan Singh, General Manager of respondent-Corporation. Suit was contested by present petitioner-defendant. Case was at the stage of

evidence of respondent-plaintiff when the present application was filed. The only prayer made by respondent-plaintiff in the application is to

correct the designation of Manmohan Singh as General Manager(Administration) instead of General Manager (Legal) as has been mentioned on

the stamp affixed on the plaint on the ground that Manmohan Singh was holding dual charge of General Manager(Legal) as well as General

Manager (Administration) and that inadvertently wrong stamp was affixed on the plaint.

4. Application was allowed by learned trial Court by observing that the other party can be compensated by way of cost.

5. It has been contended by learned counsel for the petitioner-defendant that there is no evidence that Manmohan Singh was holding dual charge

of General Manager (Legal) and General Manager (Administration) and hence, it is contended that as the suit has not been filed by duly authorised

person on behalf of the respondent-plaintiff, learned trial Court has committed illegality in allowing the amendment at this stage.

6. However, admittedly, the case is at the stage of evidence of respondent-plaintiff. Hence, it would be for the respondent-plaintiff to discharge the

onus of the issue that the suit was filed by duly authorised person and that Manmohan Singh was holding dual charge of General Manager (Legal)

and General Manager (Administration). The mistake seems to be a clerical one. Vakalatnama has been filed by Manmohan Singh while signing the

same as General Manager(Administration), whereas on the plaint stamp has been affixed as General Manager (Legal).

7. In view of the aforementioned facts, it cannot be said that any illegality or material irregularity has been committed by learned trial Court in

passing the impugned order or that a grave injustice or gross failure of justice has occasioned thereby, warranting interference by this Court.

8. Moreover, law has been well settled by Hon"ble Apex Court in Surya Dev Rai Vs. Ram Chander Rai and Others, , that supervisory jurisdiction

is not available to be exercised for indulging in re-appreciation or evaluation of evidence or correcting the errors for drawing inference like a Court

of appeal. It has been observed as under:-

Be it a writ of certiorari or the exercise of supervisory jurisdiction, none is available to correct mere errors of fact or of law unless the following

requirements are satisfied : (i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter

disregard of the provisions of law, and (ii) a grave injustice or gross failure of justice has occasioned thereby.

9. Hence, the present revision petition is, hereby, dismissed being devoid of any merit.