



CR-7031-2025 (O&M)

-1-

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

-.-

**CR-7031-2025 (O&M)
Decided on :-30.09.2025**

Shiv Dutt

....Petitioner

VERSUS

Pradeep Kumar Sharma and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Manish Mehta, Advocate for the petitioner.

-.-

MANDEEP PANNU J.

1. The present civil revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 15.09.2025 passed by the learned Additional District Judge, Narnaul in Civil Appeal No. 409 of 2014.
2. Since the controversy raised is short, notice to the respondents is dispensed with.
3. The brief facts are that the civil suit between the parties was decided by the trial Court, which was thereafter carried in appeal. Vide judgment dated 22.03.2018, the First Appellate Court had remanded the case to the trial Court. That order was challenged before this Court in SAO-68-2018, and by order dated 05.02.2025, this Court held that the procedural irregularities committed during trial were curable and that there was no necessity of remand. The matter was restored to the file of the First Appellate Court for decision in accordance with law. The said order has since attained finality with dismissal of the SLP before the Hon'ble Supreme Court on 14.05.2025.
4. The grievance of the petitioners is that their application filed before the First Appellate Court for curing procedural irregularities has not been decided



at once, but the learned appellate Court has deferred consideration of the same to the stage of final hearing. It is urged that such deferment amounts to misconstruction of the order of this Court dated 05.02.2025 and causes prejudice. It deserves to be noticed that while passing its order dated 05.02.2025 in SAO-68-2018, this Court had clearly observed that the procedural irregularities committed during trial proceedings were curable in nature and that the First Appellate Court was competent to address such defects during the appellate process itself. The spirit of the order was to prevent unnecessary remand and multiplicity of proceedings, while at the same time safeguarding the right of the parties to have a fair adjudication. What was emphasized was that the existence of such curable defects could not vitiate the entire proceedings, provided they are addressed at the appropriate stage.

5. The dismissal of the Special Leave Petition by the Hon'ble Supreme Court on 14.05.2025 further fortifies this position. The Hon'ble Supreme Court, while upholding the order of this Court, categorically observed that the High Court had rightly protected the interest of the petitioners by keeping all questions of law open to be agitated before the First Appellate Court. This observation makes it abundantly clear that the appellate Court retains full authority to consider and decide all objections, including those relating to procedural irregularities, at the stage of hearing the appeal.

6. In this context, the impugned order dated 15.09.2025 passed by the learned Additional District Judge cannot be faulted. The learned appellate Court has neither rejected nor disregarded the objections raised by the petitioners. It has only deferred their consideration to the stage of hearing of the appeal on merits. This course of action is fully consistent with the directions of this Court in SAO-



CR-7031-2025 (O&M)

-3-

68-2018 and with the liberty preserved by the Hon'ble Supreme Court. To hold otherwise would amount to rewriting the directions of the High Court and imputing an obligation which was never cast by the superior Courts.

7. It is also significant to note that no prejudice whatsoever is caused to the petitioners by the impugned order. Their objections remain alive and will be considered in the final adjudication of the appeal. On the contrary, acceptance of the petitioners' plea would only result in piecemeal adjudication, unnecessary delay, and fragmentation of appellate proceedings. An approach deprecated by the Supreme Court in catena of judgments including *Shalini Shyam Shetty v. Rajendra Shankar Patil, (2010) 8 SCC 329*, which reiterates the limited supervisory jurisdiction under Article 227 and cautions against interference unless there is gross perversity or patent illegality.

8. Viewed thus, this Court finds that the interpretation placed by the learned Additional District Judge is in complete consonance with the true spirit of the High Court's order dated 05.02.2025 and the subsequent endorsement by the Hon'ble Supreme Court. There is neither jurisdictional error nor perversity in the impugned order so as to warrant interference under Article 227 of the Constitution.

9. Accordingly, the civil revision petition, being devoid of merit, is hereby dismissed.

10. Pending application(s), if any, also stand disposed of.

September 30, 2025
tripti

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No