

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.313 of 2015

Date of Decision:-14.01.2015

Gurdev Kaur

.....Petitioner.

Versus

Rakesh Kaur @ Maina Devi & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Munish Behl, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Plaintiff is in revision aggrieved against the order dated 08.12.2014 (P-6) passed by the learned Additional District Judge, Sangrur whereby plaintiff's/petitioner's application under Order 41 Rule 25 CPC for framing additional issues has been dismissed.

Learned Counsel for the petitioner has argued that the learned Court below has committed grave illegality by not allowing the said application as the issues which the plaintiff proposed for framing are very much necessary for the proper adjudication of the present case in hand.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

It is not in dispute that the plaintiffs/appellants had filed a suit for declaration claiming themselves to be owners of land measuring 43

bighas and had also challenged the sale deed dated 11.07.2008 alleged to have been executed by Surjit Singh in favour of defendant being illegal, null and void. It is a specific plea taken by the plaintiffs in their plaint that property in dispute is joint Hindu Family property and that defendant-Rakesh Kaur had illicit relations with deceased Surjit Singh (predecessor in interest of plaintiff) and under pressure, the defendant got executed the sale deed of the suit property in her favour. On the other hand, defendant/respondent Rakesh Kaur had taken a categorical stand that she was legally wedded wife of Surjit Singh and out of the said wedlock, three daughters and one son were born. A perusal of the record further reveals that the learned trial Court had framed six issues which more or less covered the entire controversy in hand. Thereafter the plaintiffs had examined nine witnesses and similarly defendants had examined eight witnesses and consequently, closed their respective evidences. After both the parties had led evidence, the suit was dismissed by the learned trial Court vide judgment and decree dated 4.2.2012. Since it is apparent from the record that both the parties were completely aware of their respective cases and had led evidence, therefore, no fault can be found in the impugned order especially when the proposed issues are not at all necessary for the adjudication of the case in hand.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

January 14, 2015
Vinay/Gagan