

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

**CR No.5118 of 2015
Date of decision: 13.08.2015**

Devinder Singh Sandhu ... Petitioner

Vs.

Shri Tejinder Singh and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. J.S.Cooner, Advocate, for the petitioner.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned order dated 22.04.2015 (Annexure P-1), whereby, the application filed by the respondent-defendant under Order 14 Rule 5 of the Code of Civil Procedure, for framing the additional issue has been allowed.

Mr. J. S.Cooner, learned counsel appearing on behalf of the petitioner submits that the application was filed, at the stage of arguments in main suit, then the same is not maintainable. He further submits that the issues were framed on 10.11.2008 and the parties have led their evidence, therefore, an application for framing the additional issue is liable to be dismissed. The trial Court has allowed the same which tantamounts to an illegality and perversity.

I have heard learned counsel for the petitioner.

The language enshrined under order 14 Rule 5 of the CPC is clear and un-ambiguous and there is no dispute to the same. The issues are always framed when the parties are at variance. The respondent-defendants had already taken a plea vis-a-vis Will on the basis of additional issue being sought to be framed in paragraphs 8 and 9 of the written statement.

It is a matter of record that both the parties have led their evidence on the issues and the defendant-respondents have stated that they would not lead any further evidence, in case, the additional issue is framed and the trial Court while considering the aforementioned fact, framed the additional issue qua validity of the Will.

There is no illegality, much less, perversity in the impugned order and the same cannot be said to be perverse, erroneous, much less, illegal. The impugned order, in my view is passed, as per law and there is no merit in the present revision petition.

Accordingly, the same is hereby dismissed.

(AMIT RAWAL)
JUDGE

August 13, 2015
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