

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

CR No. 5283 of 2015 (O&M)

Date of decision-04.09.2015

Tejinder Singh & others

...Petitioners

Vs.

M/S Gopal Singh & Sons & others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Vaibhav Narang, Advocate,
for the petitioners.

1. The petitioners have assailed the order dated 29.04.2015 vide which application filed under Order 41 Rule 25 CPC read with Section 151 for forming additional issue at this stage, has been declined.
2. Prayer is for framing additional issue and for calling report of findings from the trial Court. In the written statement, stand is that the notice under Section 106 of Transfer of Property Act has not been served upon the defendants-petitioners.
3. It has been claimed that despite the specific stand, trial Court did not frame any issue, thereby causing serious prejudice to the defendants. It has also been contended that it is the duty of the Court to frame all the relevant issues arising out of the pleadings of the parties.
4. Bare perusal of issue No.1 reveals that the entitlement of the plaintiff is to be tested on the basis of material on record. Whether this issue covers the point in issue or not, learned counsel states that if this issue covers the point in issue then the petitioner has no subsisting argument to address. In the considered opinion of this Court, issue No.1 is suffice to cover the plea in

question and no specific issue is required to be framed.

5. In view of aforesaid, learned counsel for the petitioner intends to withdraw this petition.

Dismissed as withdrawn with the liberty to raise all pleas at the relevant time.

Disposed of.

September 04, 2015

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**(RAJ MOHAN SINGH)
JUDGE**