

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.6146 of 2013

Date of decision: 22.09.2015

Krishna Devi

.....Petitioner

versus

Chander Bhan Jindal and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.O.P.Goyal, Senior Advocate with
Mr.Randeep Singh, Advocate for the petitioner
Mr.Rose Gupta, Advocate for the respondents

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 11.9.2013, passed by the learned Civil Judge, Junior Division, Hisar, vide which, the following additional issue No.3A was framed:-

“Whether the plaintiff is entitled for the relief as prayed for in the plaint? OPP”

The grouse of learned counsel for the petitioner is that earlier three issues were framed and onus to prove the same was placed on the defendants. It is further contended that earlier an application dated 14.5.2010 (Annexure P5) was filed by the defendants for framing additional issue and the same was declined.

Therefore, when both the parties have led evidence, the additional

issue could not be framed. Learned counsel for the petitioner further contended that some documents were ordered to be produced by the defendants and the same have not been produced. It is contended that the lower Court could not review its own order.

I am of the view that the legal position regarding framing of additional issue is very clear. Once the issues are framed, on the first or subsequent application of any party, or its own motion, the Court is always at liberty to frame additional issue at any stage of the case, if it feels that the said issue arises from the pleadings of the parties. In this case, lower Court has exercised the discretion to frame additional issue. Therefore, while exercising the supervisory powers under Article 227 of the Constitution of India, this Court does not feel any ground to interfere in the said order. However, it comes out that the lower Court has fixed the case for evidence of the plaintiff. The perusal of the issue shows that it is only regarding entitlement of the plaintiff to the relief for which no separate evidence is required. Therefore, on this issue, plaintiff will not be entitled to lead any separate evidence. Otherwise also, the learned counsel for the petitioner states that he is not to lead any other evidence.

It being so, the present revision stands dismissed.

22.09.2015*gk***(Kuldip Singh)
Judge**