

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

CR No.6745 of 2015

Date of decision: 12.10.2015

Charan Devi @ Chanan Devi and anotherPetitioners

Versus

Yashpal Singh Saini and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Arun Takhi, Advocate
for the petitioners.

RITU BAHRI J. (Oral)

The petitioners have come up in revision against the order dated 21.08.2015 (Annexure P-5), vide which their application for framing additional issue has been dismissed.

The plaintiffs-petitioners have filed a suit for declaration to the effect that plaintiffs are owner in possession of the suit land situated at village Fatehgarh Sutehri, Tehsil and District Hoshiarpur and the Sale Deed dated 15.05.2008 is forged and fabricated document as per family settlement dated 21.06.1964.

The trial Court while dismissing the application for framing the additional issue under Order 14 Rule 5 read with Section 151 CPC has observed that Issues in the present suit were framed on 10.05.2013 as follows:

*1. Whether the plaintiff is entitled suit for
declaration as prayed for? OPP.*

2. Whether the plaintiff is entitled suit for permanent injunction as prayed for? OPP.

3. Relief.

On Issue No.1, the plaintiff was required to lead his evidence with regard to the family settlement dated 21.06.1964 and if the family settlement would be proved by the plaintiff only then, the Sale Deed dated 15.05.2008 would be declared forged, fabricated, null and void. Hence, the relief sought on Issue No.1 as per family settlement was covered under Issue No.1, already framed by the trial Court. The suit of the plaintiff cannot be decreed unless the validity of family settlement dated 21.06.1964 is proved. There was no necessity to frame the additional Issue with respect to the family settlement dated 21.06.1964 at the fag end as in a suit filed on 27.05.2008, both the parties have led sufficient evidence. The plaintiff has availed 26 opportunities to conclude his evidence. So, at the fag end of the trial, the application under Order 14 Rule 5 read with Section 151 CPC has rightly been dismissed by the trial Court. The object of the plaintiff is only to delay the proceedings of the trial.

Keeping in view the above facts and circumstance, no ground for further interference by this Court is called for.

Dismissed.

(RITU BAHRI)
JUDGE

12.10.2015
yakub