

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

CR No. 6901 of 2014

Date of Decision: 07.05.2015

Bahadur Singh

.....Petitioner

Vs.

M/s Ekam Onkar Traders Arti and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. K.B. Raheja, Advocate,
for the petitioner.

Mr. HPS Ghuman, Advocate,
for the respondents.

SABINA, J.

Petitioner has filed this petition challenging the order dated 24.09.2014.

Learned counsel for the petitioner has submitted that the petitioner has filed suit for recovery on the basis of writing/receipt dated 01.05.2007, executed by the defendants. In their written statement, defendants took up a plea that written/receipt, in question is a forged and fabricated document. However, no such issue was framed by the trial Court that whether the alleged writing/receipt dated 01.05.2007 was forged and fabricated document and had no value in the eyes of law. The onus to prove the said issue should have been put on the defendants.

Learned counsel for the respondents, on the other hand, has opposed the petition and has submitted that now the case is listed before the trial Court for arguments and the application for framing of an additional issue has been filed with a view to delay the proceedings.

Petitioner has filed suit for recovery on the basis of writing/receipt dated 01.05.2007, executed by the defendants.

Issue No. 1 framed by the trial Court reads as under:-

“Whether the alleged writing/receipt dated 01.05.2007 causing the basis of recovery of suit amount, is a legal and valid document? OPP

The petitioner has sought for framing of the following additional issue:-

“Whether the alleged writing dated 01.05.2007 is forged and fabricated document and the same has no value in the eyes of law? OPD”

The issue now sought to be framed by the petitioner would stand duly covered by issue No. 1 which has already been framed by the trial Court. Hence, the learned trial Court rightly held that the additional issue sought to be framed by the petitioner was not necessary to be framed.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

May 07, 2015
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