

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR No.2523 of 2016  
Date of decision:07.04.2016

Major Singh

... Petitioner

Vs.

Nasib Kaur alias Dalip Kaur and others

... 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. Rajan Bansal, Advocate  
for the petitioner.

**AMIT RAWAL J. (Oral)**

The petitioner-defendant is aggrieved of the non-framing of some issues, though the application under Order 14 Rule 5 of the Code of Civil Procedure, has been allowed.

Mr. Rajan Bansal, learned counsel appearing on behalf of the petitioner-defendant submits that despite 'No Objection' given by the plaintiff, the trial Court framed the following additional issues which read thus:-

*“12. Whether the plaintiff along with defendants No.2 to 4 is the owners of ½ share of the suit land having inherited the same from Ajmer Singh and is entitled to the possession of the same?OPP*

*13. Whether the plaintiff is entitled for relief of permanent injunction? OPP*

14. *Whether the judgment and decree dated 6.9.1997 and judgment and decree dated 30.5.2013 has any effect on the rights of the plaintiff? OPP*

15. *Whether description of Major Singh defendant is given wrongly in the plaint, if so its effect? OPD*

16. *Whether the plaintiff has no locus standi to file the present suit? OPD*

17. *Whether the suit is not maintain in present form? OPD*

18. *Whether this Court has no jurisdiction to try the present suit? OPD*

19. *Whether the suit is bad for non-joinder and mis-joinder of necessary parties? OPD*

20. *Whether the plaintiff is stopped by her own act and conduct from filing the present suit? OPD*

21. *Where the suit of the plaintiff is barred by limitation? OPD*

22. *Whether the suit of the plaintiff is barred under Section 11 CPC? OPD*

23. *Relief."*

However, still the following issues were framed even after giving the suggestion in the application, issues No.c and d have not been framed which read thus:-

c) *Whether the plaintiff cannot derive any benefit of any findings on any issue given in the judgment dated*

*30.5.2013 as no decree has been passed in favour of the plaintiffs of suit No.20 of 14.1.2003. RBT No.354 of 4.6.2005 on the basis of judgment dated 30.5.2013? OPD*

*d) Whether the plaintiff has filed the suit in connivance with defendants No.2 to 4 if so its effect?*

*OPD*

I have heard learned counsel for the petitioner-defendant and appraised the paper book and of the view that aforementioned issues shall be taken care of, in the freshly framed issue, i.e. issue No.22 qua maintainability. It is settled law that when the parties are at variance, the issues are required to be framed. The entire pleadings are not to be framed as issues. It is also settled law that if the parties are alive to the situation and lead evidence, without their being any specific issue, the Court can always decide the said controversy.

In view of the aforementioned observations, the impugned order is affirmed. No ground is made out for interference. Accordingly, the revision petition is dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**April 07, 2016**  
savita