

Civil Revision No.2659 of 2016
Date of Decision: 18.5.2016

Pritam Singh

--- Petitioner

versus

Amar Singh through L.Rs and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Amit Dhawan, Advocate
for the petitioner

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition has been directed against order dated 22.3.2016 (Annexure P-6) passed by the Civil Judge (Junior Division), Nakodar, dismissing application filed by the petitioner under Order 14 Rule 5 of the Code of Civil Procedure (in short "CPC") for framing of additional issues.

Counsel for the petitioner confines his prayer only qua framing of an additional issue on the question of limitation. It is submitted that in case an additional issue is framed, the petitioner would not pray for adducing any evidence subject, however, to the condition that in case the respondents/plaintiffs become entitled to adduce additional evidence, the petitioner would be entitled to rebut that additional evidence.

I have heard counsel for the petitioner, perused the paper book

particularly the pleadings of the parties and the impugned order.

Perusal of the written statement filed by the petitioner would make it evident that one of the objections raised is that the suit is barred by limitation. This apart, it is enjoined upon the trial court to advert to the question of limitation even if no such objection is raised in the written statement. That being so, petition stands disposed of and an additional issue is framed in the following terms:-

“Whether suit filed by the respondents/plaintiffs is within limitation?OPP”

In case the plaintiffs would pray for adducing any evidence qua the newly framed issue and is so allowed by the trial court, the petitioner would be entitled to adduce evidence in rebuttal to that extent.

Before parting with the order, it is clarified that the petition has been disposed of without notice to the respondents in order to avoid inconvenience and incurring expenditure by the respondents. However, if the respondents have any grievance to express, they shall be at liberty to file an appropriate application before this Court.

(Rekha Mittal)
Judge

18.5.2016
PARAMJIT