

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

CR No.409 of 2016(O&M)

Date of decision:10.5.2016

Rajinder Pal Singh

....Petitioner

VERSUS

Balbir Kaur

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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. Prashant Bansal, Advocate for the petitioner.

Ms. Monika Jalota, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 05.01.2016 (Annexure P-5) passed by the Additional Civil Judge (Senior Division), Patiala, dismissing the application for framing of additional issues.

Counsel for the petitioner would contend that during pendency of the proceedings, Bakhshish Singh - defendant No.1 (since deceased) executed gift deed No.10 dated 01.04.2011 with regard to suit property in favour of Balbir Kaur, his wife, and accordingly para 25-A was added in the plaint. It is further submitted that keeping in view the subsequent developments, additional issues as proposed by the petitioner in para 7 of the application (Annexure P-3) are required to be framed but the learned trial Court has committed error rather illegality in rejecting the prayer.

Counsel for the respondent has supported the impugned order with the submissions that even by adding para 25-A, the petitioner has not challenged the gift deed in question.

I have heard counsel for the parties, perused the paper-book and the order impugned.

It is an admitted position of the case that gift deed No.10 dated 01.04.2011 purported to be executed by Bakhshish Singh (since deceased) - defendant No.1 in favour of Smt. Balbir Kaur, his wife, came into existence during pendency of the suit and thus, is a transfer pendente lite. Smt. Balbir Kaur being the transferee pendente lite is bound by the decision of the trial Court in respect of the disputed questions of fact and law raised in the suit in regard whereof the issues were framed earlier and parties were called upon to adduce evidence. That being so, neither any additional issue as proposed is required to be framed nor warrants decision for complete and effective adjudication of the matter in controversy. The reasoning adopted by the trial Court, to dismiss the application, may not be correct but in view of the discussion made hereinbefore, there is no merit in the petition.

For the foregoing reasons, the petition sans merit and is accordingly dismissed with no order as to costs. Nothing stated in this order shall be construed as an expression of opinion on merits of the controversy.

MAY 10, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE