

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR N. 8414 of 2016 (O&M)
Date of Decision: 14.12.2016

Paramjit Singh

.....Petitioner

VERSUS

Trishan Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pardeep Bajaj, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Heard.

Plaintiff filed suit for redemption of mortgaged house as fully defined in headnote of the plaint and the trial Court framed issues no. 1 and 2 as per relief sought by him. In order to succeed, plaintiff may be required to prove that the mortgage pertained to suit property i.e. house as defined in headnote of the plaint.

Revision-petitioner by moving application under Order XIV Rule 5 CPC has sought framing of additional issue to the effect that the suit property is different from the mortgaged property. The onus is on plaintiff to connect the suit property with the mortgage deed. As to whether he succeeds in proving the plea raised by him is a matter to be decided at the time of final decision of the case. The fact sought to be raised by revision-petitioner is already covered under issues no. 1 and 2, as such, I find no reason to interfere with the order under revision.

This revision-petition has no merit.

Dismissed.

December 14, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No