

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.350 of 2017**

1. Shashi Kant Daga S/o Shir Om Prakash Daga, Aged About 56 Years R/o Gudhiyari, Raipur, District Raipur, Chhattisgarh.
2. Ravi Kant Daga, S/o Shri Om Prakash Daga, Aged About 54 Years R/o Gudhiyari, Raipur, District- Raipur, Chhattisgarh.

---- Petitioners**Versus**

1. Dena Bank Through The Branch Manager, Rukhmani Complex, Gudhiyari, Raipur, District Raipur, Chhattisgarh.
2. Dena Bank, Through Deputy Regional Manager, Madhya Pradesh Regional Office(East), Rukhmani Complex, Gudhiyari, Raipur, District- Raipur, Chhattisgarh.

--- Respondents

For Petitioners	:	Mr. Amrito Das, Advocate
For Respondents	:	Mr. Vinod Deshmukh, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

10/05/2017

(1) In suit filed by the petitioners/plaintiffs before the trial Court against the respondents/defendants, the trial Court has framed four issues relating to grounds raised in the suit for eviction, recovery of rent and also regarding damages. Now, the petitioners have filed an application under Order 14 Rule 5 of Code of Civil Procedure (in short, 'CPC') for framing of additional issue, which has been rejected by the trial Court, by its impugned order dated 08.03.2017 passed in Civil Suit No.11-A/2013, against which this petition under Article 227 of the Constitution of India has been filed.

(2) Learned counsel appearing for the petitioners would vehemently submit that the trial Court is absolutely unjustified in rejecting the application under Order 14 Rule 5 of CPC and in absence of the framing of the additional issue, the suit cannot be decided effectively.

(3) I have heard learned counsel appearing for the parties at some length and perused the impugned order with utmost circumspection.

(4) The trial Court has already framed necessary issues with regard to the grounds raised in the suit and damages claimed whether the plaintiffs are entitled for eviction of the suit accommodation. The issues have already been framed by the trial Court, I do not find any good ground to entertain the instant writ petition. The sufficient and valid reasons have been assigned by the trial Court in rejecting the application in which there is no jurisdictional error in the impugned order as the additional issues proposed by the petitioners/plaintiffs is covered the issues already framed by the trial Court for effective adjudication of the suit.

(5) Consequently, the writ petition filed under Article 227 of the Constitution of India deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-