

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.661 of 2017

Date of decision: 01.02.2017

Dilpreet Singh and another

... Petitioners

Vs.

Mehar Singh (deceased) through LRs and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Saurabh Arora, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Prevent revision petition is directed against the order dated 28.11.2016 passed by the learned trial Court, whereby application of the petitioners-plaintiffs for framing additional issue at the stage of defendants' evidence, was dismissed.

Heard learned counsel for the petitioners.

It is not the pleaded or argued case on behalf of the petitioners-plaintiffs that they were taken by surprise by the defendants at the time of leading their evidence. It was made crystal clear by the defendants, while taking appropriate averments in para 10 of the written statement (Annexure P-3) about the relationship between the parties. However, at the time of framing of issues and even thereafter at the time of leading their evidence in affirmative, plaintiffs-petitioners did not seek framing of any other issue, including the additional issue, which was sought to be framed now. No plausible explanation

is forthcoming nor any difficulty has been pointed out as to why the petitioners could not seek framing of the said issue, if it was so necessary.

A bare reading of the impugned order would show that learned trial Court was well within its jurisdiction to pass the impugned order. Issues were framed as far back as on 17.12.2013 and the plaintiffs-petitioners kept on sleeping over their right, if any, for framing of additional issue, for about three years without there being any explanation whatsoever. Further, learned trial Court has rightly observed that issues already framed are wide and extensive enough to cover the findings qua this particular aspect about the relationship of the parties as well. Having said that, this Court feels no hesitation to conclude that learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

01.02.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No