

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

Civil Revision No.68 of 2017

Date of decision:- January 11, 2017

PARAMJIT SINGH

....PETITIONER..

VS.

VIPIN KUMAR JASRA

...RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Satbir Rathore, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

Through the instant civil revision petition preferred under Article 227 of the Constitution of India, the petitioner has sought setting aside of order dated 06.01.2017 (Annexure P-4) passed by Id. Additional Civil Judge (Senior Division) Dasuya, whereby application (Annexure P-3) filed by the defendant-petitioner for framing of additional issue has been dismissed.

2. The contention of learned counsel for the petitioner is that there were specific preliminary objections taken in the written statement to the effect that the plaintiff himself has breached the terms and conditions of the agreement and further that the earnest money is liable to be forfeited as per the terms and conditions thereof but the Court did not frame specific issues.

3. However, learned counsel for the petitioner further contends that the defendant-petitioner would not lead any evidence in case, the instant petition is not allowed and additional issues are framed but this

Court does not find any merit in the aforesaid contentions put forth by learned counsel for the petitioner, especially, in view of the fact that the issues were framed in the instant case way-back on 06.08.2012, that too, in the presence of the parties. Thereafter, the defendant-petitioner slept over the matter till 06.01.2017 when an application (Annexure P-3) was moved for framing additional issues. There is nothing on the record to suggest that why such an application was not moved earlier. Even otherwise, both these issues would cover under issues No. 1, 2 and 4. Moreover, the parties also adduced evidence keeping in view the pleadings of the parties. Thus, there is no legal requirement for framing the additional issues. Otherwise also, the case is now listed for rebuttal evidence after the conclusion of the affirmative evidence by both the parties.

4 No ground is made out to interfere in the impugned order.

5. Dismissed.

January 11, 2017

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(JASPAL SINGH)

JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No