

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

CR No.7439 of 2017

Date of decision : 31.10.2017

Ludan Singh

...Petitioner

Versus

Surinder Pal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.L. Bajaj, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner is in revision petition against the order dated 10.07.2017 passed by the trial Court refusing to delete issue Nos.2 and 6 framed by the trial Court vide order dated 29.02.2016.

On 29.02.2016, learned trial Court had framed issues, which are extracted as under:-

“1. Whether the suit of the plaintiff is entitled for permanent injunction against the defendant as prayed for?

OPP

2. Whether the alleged family settlement dated 27.4.2015 is procured by defendant by way of fraud and misrepresentation? OPP

4. Whether the plaintiff is stopped from his act and conduct to file the present suit and the suit is not maintainable in the present form? OPD

5. Whether the plaintiff has concealed material facts

from this Court? OPD

6. *Whether the plaintiff gave the house in dispute to the defendant in family settlement executed on 27.4.2015? OPD*

7. *Relief.”*

Defendant filed an application for deletion of the issues No.2 and 6 on the ground that the suit is only for permanent injunction and, therefore, only issue of injunction is to be decided.

In the considered opinion of this Court, argument is wholly untenable. The issues are to be culled out by the Court looking into the pleadings of the parties. As per Order 14 Rule 1 CPC, each material proposition affirmed by one party and denied by the other shall form the subject of distinct issue. It is not in dispute that these issues are arising out of the pleadings of the parties.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the order passed by the learned trial Court.

Revision petition is dismissed.

31.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No