

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.223 of 2015

1. Smt. Sadhna Jain, W/o Pradeep Jain, aged about 50 years,
2. Pradeep Jain, S/o late Pancham Lal Jain, aged about 57 years,

Both R/o EWS Ground Floor, Block No.14/12, Kosa Nagar Ward, P.S.
Supela, Bhilai, Tahsil and District Durg (C.G.)

(Defendants)
---- Petitioners

Versus

Smt. Geeta Soni, W/o Purushottam Soni, aged about 45 years, R/o
EWS First Floor 14/12, Kosa Nagar Ward, Kosa Nagar, Sasta
Bhawan, Residential Scheme, Bhilai, Tahsil and District Durg (C.G.)

(Plaintiff)
---- Respondent

For Petitioners: Mr. Uttam Pandey, Advocate.

For Respondent: Mr. N.K. Malaviya, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/11/2018

1. In a suit filed by the respondent/plaintiff for ejectment and arrears of rent, the defendants' application under Order 14 Rule 5 of the CPC for framing of additional issue, has been rejected by the impugned order against which this writ petition has been preferred.
2. I have heard learned counsel for the parties.
3. The trial Court has clearly recorded a finding that formulation of additional issue is not appropriate in the facts of the case and consequently rejected the application, as suit for ejectment filed by the respondent / plaintiff cannot be permitted to be converted into suit for specific performance of contract that too in absence of counter claim, in which I do not find any perversity or illegality. However, the petitioners are at liberty to proceed in accordance with law.

4. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).
5. A copy of this order be sent to the trial Court for proceeding further in the suit.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma