

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 23 of 2018**

- Gaurav Kumar Dubey S/o. Shri Ravindranath Dubey, Aged About 35 Years
R/o. Ward No. 8, Dubepara, Ramanujganj, Post, P. S. & Tahsil
Ramanujganj, District Balrampur (Chhattisgarh)

---- Petitioner**Versus**

1. S. P. Singh S/o. Late Markndey Singh,
2. Ankit Singh, S/o. S. P. Singh,

Both are Authorized Dealer Of Manatek Electronics Private Limited, R/o P-9
Sukaliya, Near Community Hall Indore (Madhya Pradesh) 452010

---- Respondents

For Petitioner : Shri A.K. Prasad, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/01/2018**

1. Heard.
2. This petition is against the order dated 22.09.2017 whereby the application filed under Order 14 Rule 5 CPC for framing additional issues filed by the petitioner, was rejected.
3. Learned counsel for the petitioner submits that the issue which has been framed is only on the basis of averments made in the written statement, whereas the plaint averments are completely ignored and the proposed issue is necessitated to decide the case on merits and without it actually the case cannot be decided.

4. Perused the para 2 & 3 of the plaint, wherein it is stated that the plaintiff wanted to set up a workshop for Manatek Electronics Private Limited, thereafter, defendant No.2 met him and projected himself as the authorized dealer of the company in Madhya Pradesh & Chhattisgarh and asked for payment of Rs.3 Lakhs, which was paid. Subsequently, on enquiry it was found that defendant No.2 is not the authorized dealer of the company. Thereafter, an amount of Rs.2.50 Lakhs was returned and for rest of the amount, the suit has been filed.
5. Perusal of the plaint shows that the issue framed would not cover the lis for which the suit is filed. Consequently, the order dated 22.09.2017 is set aside. The additional issues Nos. 3 & 4 which have been proposed are directed to be framed.
6. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri

Judge

Ashu