

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 833 of 2018**

1. Amit Kumar Jaiswal, S/o Late Shri Jamuna Lal Jaiswal, aged about 54 years, Caste – Kalar, R/o In front of Police Station, Tarbahar, Link Road, Bilaspur, Tahsil and District Bilaspur (C.G.)
2. Abhay Kumar Jaiswal, S/o Shri Jamuna Lal Jaiswal, aged about 53 years, Caste – Kalar, R/o In front of Police Station, Tarbahar, Link Road, Bilaspur, Tahsil and District Bilaspur (C.G.)
3. Arun Kumar Jaiswal, S/o Late Shri Jamuna Lal Jaiswal, aged about 49 years, Caste – Kalar, R/o In front of Police Station, Tarbahar, Link Road, Bilaspur, Tahsil and District Bilaspur (C.G.)

---- Petitioners / Plaintiffs**Versus**

Maharaja Builders and Developers through its Partner Naveen Mishra, aged about 23 years, S/o Shri Ram Prakash Mishra, R/o Housing Board Colony, Balodabazar, Tahsil and District Balodabazar- Bhatapara (C.G.)

---- Respondent

For Petitioners : Mr. Sourabh Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****27/09/18**

1. By the impugned order dated 04.08.2018 (Annexure – P/1), the petitioner / plaintiffs' application for framing additional issues under Order 14 Rule 5 of CPC has been rejected by the trial Court against which this writ petition has been preferred.
2. Learned counsel for the petitioner submits that the additional issues framed are necessary for just and proper disposal of the suit and ought to have been considered by the trial Court.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. The trial Court has clearly held that the issues already framed would

cover the additional issue proposed to be framed. Since the trial Court has already held that the issues framed would cover the proposed issue to be framed therefore, the plaintiff will be allowed to lead evidence with regard to the fact that the payment was not paid as per the sale deed.

5. With the aforesaid clarification, the writ petition is disposed of. No order as to cost(s).

SD/-
(Sanjay K. Agrawal)
Judge