

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 5261-2016 (O&M)
Date of decision: 08.03.2018

Mohinder Singh

.....Petitioner

versus

Mahant Baba Paramjit Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.G.S.Attariwala, Advocate for the petitioner
Mr.N.S.Wahniwal, Advocate for
Mr.Abhinav Jain, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner, who is defendant before the trial Court, has impugned the order dated 14.7.2016 (Annexure P6), vide which, learned Additional Civil Judge (Senior Division), Moga has re-framed the issues.

It is contended that suit is pending before the trial Court since 2004. Initially, issues were framed on 5.5.2005. Now, after 11 years, an application was moved and issues are re-framed. This will result in de-novo trial and delay disposal of the case.

After hearing learned counsel for the parties, I am of the view that if the trial Court finds that some issues have been left over, additional issues can be framed or all the issues can be recast at any time during pendency of the case. Mere delay is no ground not to re-frame the issues, which arise from the pleadings. It being so, there is no force in the present revision petition. Same is accordingly dismissed.

Learned counsel for the petitioner has stated that the case is pending since 2004 and on account of re-framing of issues, its disposal is being delayed.

In these circumstances, a direction is issued to the learned Additional Civil Judge (Senior Division), Moga to grant short adjournments and if possible, hold day to day trial and dispose of the case within one year. It is expected that no application for re-framing of issues and no other frivolous application to delay the case shall be entertained by the Court.

Revision is allowed accordingly.

08.03.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No