

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

CR No.5792 of 2015

Raghubir Singh Grewal

....Petitioner

Versus

Prithipal Singh

....Respondent

Date of Order: 27.3.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Kanwal S Walia, Advocate for the petitioner.

Mr. Raj Shekhar, Advocate for

Mr. P.K Jain, Advocate for the respondent.

AMIT RAWAL, J (ORAL)

Petitioner-defendant No.1 is aggrieved of the impugned order dated 20.7.2015 passed by learned Civil Judge (Jr. Division), Ludhiana whereby his application moved under Order 14 Rule 2 CPC for framing and adjudicating upon the preliminary issues has been dismissed

Learned counsel for the petitioner submitted that it was second round of litigation at the instance of the respondent and thus has tried an attempt to abuse the process of the Court.

Upon query , learned counsel for the petitioner apprised this Court that although written statement has been filed in the suit but the issues have not been framed as yet. In my view, in the absence of any issue being framed by the trial Court, the prayer of the petitioner for framing preliminary issue is pre-mature, as rightly noticed by the trial Court. Cause of action would have accrued only if the court below had framed the issues, therefore I find no illegality in the impugned order while rejecting the

CR No.5792 of 2015

#2#

request of the petitioner as the same cannot be said to be illegal and perverse.

While upholding the impugned order, the present petition is dismissed.

March 27, 2018
manoj

^(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No