

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 6777-2016 (O&M)
Date of decision: 16.04.2018

Sukhwant Kaur

.....Petitioner

versus

Santokh Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Vishal Sodhi, Advocate for
Mr.Gagandeep Singh Sirphikhi, Advocate for the petitioner
None 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)

Impugned in the present revision petition is the order dated 13.9.2016, passed by learned Civil Judge (Junior Division), Batala, vide which, an application under Order XIV read with Section 151 CPC 1908 for framing of additional issues was dismissed.

Heard.

I have examined the file aslo.

It comes out that the case is fixed for final arguments. Even part arguments were advanced when the application was filed that certain issues have not been framed. The issues were framed in May 2011. Thereafter, both the parties led their evidence. The trial Court took the view that plaintiff wants to re-open the case by moving an application for framing of additional issues.

I am of the view that even if some issues are not framed, if the

parties are alive to the controversy and lead evidence thereon, the Court can still decide the said question without specific issue being framed. Now, at the stage when arguments have already been partly heard, this Court cannot order framing of additional issues, which will virtually mean re-opening of the trial. No ground to interfere in the impugned order.

Resultantly, the present revision petition stands dismissed.

Since the main case has been dismissed, therefore, the pending CM, if any, also stands disposed of.

16.04.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No