

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

**CR No.7102 of 2018
Date of Decision : 26.10.2018**

Jora Singh

....Petitioner

VERSUS

Gurmeet Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. HPS Ghuman, Advocate for the petitioner.

B.S. WALIA, JUDGE (ORAL)

1. Revision petition has been filed challenging order dated 27.9.2018 (Annexure P-1) passed by the learned Additional Civil Judge (Sr. Division), Nabha, District Patiala dismissing the application for framing of additional issues.

At the time of hearing, learned counsel contended that he was confining his prayer to issue No.3-A which is reproduced as under:

“Whether the plaintiff is not in a capacity to advance this much huge amount of Rs.11 lacs? If so, its effect? OPD”

2. Learned counsel contends that the aforementioned issue is essentially required to be framed for proving the financial capacity of the respondent-plaintiff. Learned Additional Civil Judge (Sr. Division), Nabha, considered the plea and rejected the same on the ground that the plaintiff would be held entitled to recover only if he could prove the payment of aforesaid amount by him to the defendant-

Judge (Sr. Division), Nabha in respect thereto namely that the plaintiff will be entitled to recovery only if he can prove the payment of the above said amount by him to the defendant and his capacity to do so squarely address the apprehension of the petitioner which is misconceived.

3. In the circumstances, I do not find any reason warranting interference with the well reasoned order passed by the learned Additional Civil Judge (Sr. Division), Nabha.

4. Accordingly, finding no merit in the revision petition, the same is dismissed in limine.

October 26, 2018
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No