

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

Civil Revision No.8623 of 2017 (O&M)
Decided on:-February 08, 2018.

Yadvinder Puri and another

.....Petitioners.

Versus

Pritam Singh and others .

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Amit Kohar, Advocate
for the petitioners.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Article 227 of the Constitution of India is for quashing the impugned order dated 24.11.2017 (Annexure P-14) passed by learned Civil Judge (Junior Division), Chandigarh, whereby the application filed by the petitioner for framing additional issues, was dismissed.

The respondent-plaintiffs Pritam Singh and others have filed a suit for possession with regard to portion as shown in the site plan attached with the plaint, wherein the petitioners, who are defendants No.5 and 6 in the suit, are stated to be in illegal and unauthorised occupation of the portion shown in the site plan.

Learned counsel for the petitioners has argued that, in fact, the suit was filed by respondents No.1 and 2 Pritam Singh and Sukhdev Singh on the basis of sale deed dated 08.12.1997. However, during pendency of the

suit, the respondents No.3 and 4 (Amarjit Kaur and Surjit Kaur) were impleaded as plaintiffs and accordingly, amended plaint dated 10.12.2014 (Annexure P-8) was filed. It is during the pendency of the suit, the petitioner-defendants No.5 and 6 have moved an application dated 24.11.2017 for framing additional issues.

He has further argued that keeping in view the fact that ***RSA No.947 of 2017*** titled as ***Yadvinder Puri and another Versus K.K. Puri and others*** is pending before this Court, further additional issues are required to be framed in the suit for just and proper decision of the case. Further, the review application i.e. ***RA-RS-9-C of 2008 in RSA No.1747 of 2005*** titled as ***K.K. Puri represented by LR Versus Krishna Puri and others*** is also pending before this Court, which is sufficient ground to frame additional issues. He has further contended that when ***Civil Revision No.6090 of 2014*** titled as ***Sudarshan Puri Versus Pritam Singh and others*** is pending before this Court, it is a sufficient ground to enable the petitioners to get the additional issues framed and, therefore, the issues sought to be added are relevant having direct bearing in the case. Even otherwise, it will lead multiplicity of proceedings.

I have heard learned counsel for the petitioners.

The suit was filed in the year 1997 and thereafter, it was amended in the year 2014. Merely because ***RSA No.947 of 2017*** titled as ***Yadvinder Puri and another Versus K.K. Puri and others***, review application i.e. ***RA-RS-9-C of 2008 in RSA No.1747 of 2005*** titled as ***K.K. Puri represented by LR Versus Krishna Puri and others*** and ***Civil Revision***

No.6090 of 2014 titled as ***Sudarshan Puri Versus Pritam Singh and others*** are pending before this Court, is not a sufficient ground to get the additional issues framed. Therefore, this Court does not find any illegality in the impugned order dated 24.11.2017 (annexure P-14) passed by the civil Court.

Accordingly, the impugned order dated 24.11.2017 (Annexure P-14) is upheld and the instant civil revision, being devoid of any merit, is dismissed.

February 08, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No