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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

SANJIV KUMAR SHARMA  
10/11/2019 13:34  
I attest to the accuracy and  
authenticity of this document

CR-2386-2019 (O/M)  
Date of decision : 8.4.2019

Shiv Dayal

..... Petitioner (s)

Versus

Krishan Kumar and another

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pankaj Bali, Advocate,  
for petitioner.

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KULDIP SINGH, J. (ORAL)

Impugned in present revision is order dated 6.3.2019 (Annexure-P-5), passed by learned Civil Judge (Junior Division), Karnal, vide which an application filed by petitioner-defendant for framing additional issue, was dismissed.

Heard.

It comes out that plaintiff has filed a suit for specific performance, alleging agreement of sale. In the written statement, defendant has denied the agreement of sale and claimed that plaintiff had played fraud and that agreement of sale is a forged and fabricated document. A specific issue was framed by trial Court as to whether defendant being owner of land in question mentioned in para No. 2 of plaint had entered into agreement to sell dated 6.10.2015 in favour of plaintiff or not, as mentioned in the plaint ?

I am of the view that plaintiff claims agreement of sale and defendant denies it. Therefore, no specific issue regarding fraud, forgery and fabrication of document played by plaintiff with defendant is required to be framed. If specific issue regarding fraud, forgery and fabrication of

document is not framed by trial Court, it is plaintiff who will be sufferer as  
he will not be able to lead evidence to rebut the evidence led by defendant.  
There is no ground to interfere in the impugned order. Thus, revision  
petition is dismissed.

(KULDIP SINGH)  
JUDGE

8.4.2019  
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No