

109
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/4/2019 12:43
I attest to the accuracy and
authenticity of this document

CR-2409-2019 (O/M)
Date of decision : 9.4.2019

Avtar Chand Petitioner (s)

Versus

Tejpal Saini and another Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rohit Ahuja, Advocate,
for petitioner.

-:-

-:-

KULDIP SINGH, J. (ORAL)

Heard.

Petitioners have impugned order dated 18.1.2019 (Annexure-P-5), passed by learned Additional Civil Judge, Senior Division, Kapurthala, vide which, while deciding application of defendant No. 2 (petitioner) for framing of additional issues, two issues were framed, but issue claimed by applicant-petitioner was not framed.

After going through the plaint and written statement, this Court finds that plaintiff has filed a suit for specific performance of agreement of sale dated 27.6.2014 and has also challenged the sale deed dated 23.3.2015, executed by defendant No. 1 in favour of defendant No. 2, being illegal. Plaintiff has also prayed for setting aside said sale deed. Defendant No. 2 has taken the plea that he is a bonafide purchaser. While framing initial issues, no issue was framed as to whether sale deed is liable to be set aside or not. When defendant No. 2 moved application for framing additional of additional issues, the trial Court framed two issues i.e. whether defendant No. 2 is bonafide purchase of suit property, vide sale deed dated 23.2.2015, and whether present suit is result of collusion between

defendant No. 1 and plaintiff.

I am of the view that since plaintiff has prayed for setting aside sale deed, therefore, specific issue regarding the prayer of plaintiff on the ground mentioned in the plaint was required to be framed. As such, in order to avoid further delay in disposal of suit and without issuing notice to respondents, impugned order is modified to the extent that in addition to two issues already framed, trial Court is directed to frame additional issue, as claimed by applicant-petitioner.

Disposed of.

(KULDIP SINGH)
JUDGE

9.4.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No