

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

**CR-3813-2019 (O&M)
Date of decision: 25.09.2019**

Vanisha Dutta

...Petitioner

Versus

Sarojni Dutta

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amandeep Kakkar, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 15.02.2019 passed by the Civil Judge (Junior Division), Ferozepur, whereby application filed by petitioner for framing of additional issues has been dismissed.

Vanisha Dutta-plaintiff (petitioner) filed a suit for declaration against defendant-respondent. Upon notice, defendant appeared and filed written statement (Annexure P-3). From the pleadings of the parties, following issues were framed by the trial Court:-

1. Whether, plaintiff is entitled for declaration as prayed for? OPP
2. Whether, plaintiff is entitled for consequential relief of permanent injunction as prayed for? OPP
3. Whether, the suit of the plaintiff is not maintainable in the present form? OPD
4. Whether, the plaintiff has not come to the Court with clean hands? OPD
5. Whether, the suit of the plaintiff is time barred? OPD

6. Relief.

Defendant is seeking the benefit of two Wills dated 12.02.1998 and 19.04.2001 executed by Pushpa Rani Dutta in her favour. Onus to prove issue No.3 was on the defendant. Moreover, defendant has already led her evidence. Plaintiff-petitioner, at best, has a right to lead evidence in rebuttal.

In view of the above, additional issues are not required to be framed in this case. Accordingly, after examining the impugned order, no illegality, much less perversity, has been found therein warranting interference by this Court.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

25.09.2019
ajp

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No