

CR No.4041 of 2019
Date of Decision: 04.07.2019

Manohar Lal

.....Petitioner

Versus

Dharampal

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Kartik Gupta, Advocate
for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition has been filed against the order dated 28.02.2019 passed by the Additional Civil Judge (Senior Division), Mukerian (for short, the trial Court), vide which, the application filed by the petitioner under Order 14 Rule 5 CPC for framing of additional issue, was dismissed.

The issue framed is “whether the plaintiff is entitled to the relief of vacant possession as prayed for” whereas, the additional issue as demanded to be framed by the petitioner is “whether the plaintiff has acquired valid title over the house in dispute on the basis of alleged writing dated 02.06.2014”.

Admittedly, the plaintiff is seeking the vacant possession on this very writing dated 02.06.2014. Hence, he can get his possession only after proving the writing dated 02.06.2014. Therefore, the finding recorded by the trial Court that the issue already framed will cover the issue as proposed to be now framed on the asking of the petitioner cannot be faulted

Accordingly, the present revision petition is dismissed being devoid of merit.

(NIRMALJIT KAUR)
JUDGE

04.07.2019
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No