

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6579 of 2018

Date of Decision: 09.01.2019

Vijay Kumar Gupta

.....Petitioner

Vs.

Shivam

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Deepak Sharma, Advocate,
for the respondent.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the order of the learned trial Court [Civil Judge (Junior Division), Karnal], dated 17.09.2018, has been challenged whereby that Court refused to specifically frame additional issues upon an application filed by the petitioner (defendant in the suit), the said issues sought to be framed being as follows:-

“(i) Whether the suit of the plaintiff is barred under Order VII Rule 1 (j) of the CPC? OPD

(ii) Whether the suit of plaintiff is barred by resjudicata and constructive resjudicata? OPD

(iii) Whether the suit of plaintiff is barred by law of limitation? OPD”

After considering the arguments raised before it, that Court dismissed the application, holding that in the issues already framed, the issue on

maintainability of the suit was included, and therefore it would include other issues such as limitation etc., without any need to further frame additional issues.

That being so, I see no reason to actually interfere in the impugned order, with this petition therefore disposed of with a direction to the trial Court that while considering the issue on maintainability of the suit, i.e. issue no. 3 (as per the issues already framed by it on 21.09.2015), it would specifically deal with the contentions of the petitioner-defendant on Order VII Rule 1 (j), on *resjudicata* and constructive *resjudicata*, as also on limitation.

January 09, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes