

In the High Court of Punjab and Haryana at Chandigarh

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CR-214-2020 (O & M)

Date of Decision: January 20, 2020

TEJINDER PAL SINGH

.....PETITIONER

VERSUS

BHAGAT SINGH

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ferry Sofat, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 04.10.2019 whereby his application for framing of additional issues has been dismissed.

Learned counsel for the petitioner contends that the petitioner had sought framing of additional issues whereon the parties were at variance in the pleadings. The application had been preferred at an initial stage as only one witness has been examined on behalf of the petitioner.

Heard.

The petitioner through the application had sought framing of the following issues:-

- “a) Whether the property in dispute is schedule building and can only be vacate for schedule purpose? OPR
- b) Whether the alleged rent note/agreement of rent are bad in law and liable to be discarded for want of registration? OPR
- c) Whether the alleged rent note/agreement of rent are forged and fabricated document? OPR”

Prior to the application, the trial Court had framed the following issues:-

- “1. Whether there exist relationship of landlord and tenant between the parties? OPP
2. Whether the respondent is in arrears of rent as prayed for? OPP
3. Whether the tenancy premises is bona fide required for personal necessity of petitioner as prayed for? OPP
4. Whether the petitioner is entitled for ejectment of the respondent from the premises in question? OPP
5. Whether the petition is not maintainable? OPR
6. Whether the petitioner has concealed material facts from this court if so its effect? OPR
7. Whether the petitioner has no cause of action to file the present petition? OPR
8. Whether the petition is bad for mis-joinder and non-joinder of the necessary parties? OPR
9. Relief.”

The trial Court while dismissing the application of the petitioner has relied upon the judgment of the Delhi High Court in the case of **Indianhawks Wealth Creators Pvt. Ltd. versus Anil Gupta and another,** 2018 (3) Civil Court Cases 180 (Bombay), wherein it was held that issues are not to be framed on every plea taken in pleadings and have to be framed only on substantial pleas which in the event of proving have a chance of succeeding.

A perusal of the application and the written statement indicate that issues which the petitioner is seeking to be framed as additional issues, would be covered by the issues which have already been framed by the trial Court. Therefore, I do not find any manifest illegality in the order of the trial Court which would warrant interference while exercising the power of revisional jurisdiction.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 20, 2020

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No