

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6380 of 2018(O&M)
Date of Order:25.02.2020

Jatinder Singh

..Petitioner

Versus

Sukhdev Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Sirphikhi, Advocate,
for the petitioner.

Mr. B.B.S.Randhawa, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

The plaintiff-petitioner has filed the present revision petition against the order dated 15.09.2018, dismissing an application filed under Order 14 Rule 5 CPC for amendment of the issues framed.

Plaintiff has filed a suit for specific performance of the agreement to sell dated 30.04.2012.

Defendant has taken a stand that the aforesaid agreement to sell is a result of undue influence.

Learned trial court framed the following issues:-

- “1. Whether the plaintiff is entitled to relief of specific performance of the agreement dated 30.04.2012 as prayed for?OPP
2. Whether the plaintiff is entitled to alternative relief of recovery of Rs.8 lacs as prayed for?OPP
3. Whether the suit of the plaintiff is not maintainable in the

present form?OPD

4. *Whether plaintiff has got no cause of action?OPD*
5. *Whether the plaintiff has no locus standi to file the present suit?OPD*
6. *Whether the plaintiff has not come to the court with clean hands and suppressed the material facts from this Court?OPD*
7. *Whether the present suit is time barred?OPD*
8. *Whether plaintiff has not affixed the ad-volrem court fee? OPD*
9. *Relief.”*

No doubt, the trial court has failed to frame issues in accordance with mandate of Order 14 Rule 1 of the Code of Civil Procedure which requires that each material proposition affirmed by one party and denied by the other shall form the subject matter of a distinct issue.

This court has been repeatedly making observations in this regard, however, there is no improvement. The learned trial courts are failing to follow the procedure as prescribed in the Code of Civil Procedure.

Learned counsel for the respondent has pointed out that in the present case, if issues are ordered to be amended, serious prejudice would be caused because the case is now at fag end and the final arguments have also been partly heard.

Be that as it may. The rules of procedure are to advance the cause of justice and not to delay the disposal of the suits. The parties are conscious to their respective case and have already led their respective evidence. In such circumstances, the court would proceed to hear the final

arguments and decide in accordance with law. However, the court would not debar any of the party to address arguments only on the ground that there is no distinct issue.

Disposed of accordingly.

February 25, 2020
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(ANIL KSHETARPAL)
JUDGE

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