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

CR-1625-2020

Date of decision : 17.03.2020

Rakesh Kumar

... Petitioner

Versus

Narinder Kumar and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

ALKA SARIN, J. (ORAL)

The present revision petition has been filed challenging the order dated 14.02.2020, whereby application for framing additional issues filed by the defendant-petitioner has been dismissed.

The case set up by the defendant-petitioner was that he has spent an amount of ₹25,00,000/- on construction and renovation of the shops in dispute as also that the plaintiff-respondent had been receiving the rent of the shop and plot in dispute. Hence, he prayed for framing of two additional issues, which read as under:-

- “1. Whether the applicant/plaintiff has been receiving rent of the shop and plot in dispute from the respondent/defendant No.2? OPR*
- 2. Whether the respondent/defendant No.2 have spent ₹25,00,000/- on the construction and renovation of the shops and plots in dispute? OPR*

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The said application has been filed at the end of the case i.e. when the case was listed for arguments. This is not a fact which was not within the knowledge of the defendant-petitioner. In fact, the case of the defendant-petitioner itself was that during the pendency of the case, the said amount had been spent on improvement etc. Framing of additional issues at this ground would amount to *de nova* trial inasmuch as the fresh opportunities for leading evidence would have to be given. The case which is now at the conclusion stage cannot be reopened. The present application seems nothing, but a tactic to delay the matter and that cannot be permitted.

In view of the above, the present revision petition being devoid of any merit is dismissed.

17.03.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

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