

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

CR No.1256 of 2022 (O&M)

Date of decision: 24th May, 2022

Bakhshish Singh Kooner

... Petitioner

Versus

Joga Singh & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Bedi, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Advocate
for respondent No.1.

FATEH DEEP SINGH, J. (ORAL)

The instant civil revision has come about under Article 227 of the Constitution of India seeking setting aside of order dated 04.03.2022 (Annexure P6) of the Court of learned Addl. Civil Judge (Sr. Division), Amritsar dismissing the application under Order 14 Rule 5 read with Section 151 CPC (Annexure P4) regarding framing of additional issues.

Upon hearing learned counsel for both the sides and on perusal of the records. Joga Singh respondent No.1 had instituted against present petitioners Bakhshish Singh Kooner and another a suit for recovery of ₹ 29,76,000/- as principal amount and ₹ 5,76,000/- as interest @ 18% per annum from the date of filing of the suit. After filing of written statement when the case was proceedings, the petitioner had moved this application under Order 14 Rule 5 read with Section 151 CPC for framing of additional issues which stood dismissed. The primary

grounds for this dismissal order are that since parties have already led their evidence and the suit is at stage of disposal and no objection regarding territorial jurisdiction was raised at any stage of the suit and thus, has declined the prayer, apparently holding that it is nothing but a surreptitious way to unduly delay disposal of the suit.

During the course of hearing arguments, Mr. R.S. Bedi, Advocate representing the petitioner and Mr. Gaurav Garg Dhuriwala, Advocate appearing on behalf of respondent No.1 have both consented to and agreed that the essential issues necessitated for disposal of the suit may be allowed to be framed by the trial Court and to which they do not object to and two opportunities be given to each of the sides to prove/rebut the issues as may be necessitated.

In the light of this concurrence shown by the two sides, the present petition stands disposed off thereby directing the trial Court to frame additional issues, if so necessitated, on the basis of pleadings of the parties so put forth by them to complete their evidence by all means. The same should be accomplished within a period of one month the parties put in appearance before the trial Court and in no case further latitude be given to the parties in view of the inordinate delay that has been occasioned.

Disposed off.

(FATEH DEEP SINGH)
JUDGE

May 24, 2022

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No