

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CR-1740 of 2022
Date of Order: 06.05.2022

Jaswant Singh

..Petitioner

Versus

Sukhwant Singh Bedi

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.K.Goel, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

While assailing the correctness of interlocutory order passed by the First Appellate Court the plaintiff has filed the present revision petition.

A suit for specific performance of the agreement to sell is pending before the Court. On 26.05.2011, the Court culled out the following issues:-

- “1. Whether the defendant entered into an agreement to sell the suit property on 1.6.2004 and received a sum of Rs.12 lacs as sale consideration from the plaintiff?OPP
2. Whether the plaintiff was and is still ready and willing to perform his part of contract, but defendant has failed to do so?OPP
3. Whether the plaintiff is entitled to refund of earnest money along with compensation as prayed for?OPP
4. Whether the suit is not maintainable in the present form?OPD
5. whether the suit is hopelessly time barred?OPD
6. Relief.”

Ultimately, the suit was dismissed. The petitioner filed first appeal on 10.04.2017. The petitioner filed an application for amendment of the issues claiming that proper issues have not been framed including the petitioner's right to protect his possession under Section 53-A of the Transfer of Property Act, 1882. The First Appellate Court has dismissed the application with the following observation:-

“Needless to say, in view of the omnibus issues which have been framed and in the light of evidence which has been adduced by both the parties in support of their respective contentions, it shall be open to the plaintiff/appellant to argue on the basis of pleadings and evidence adduced on record that he is entitled to the alternate relief which has been claimed in the suit. Judgments relied upon by the learned counsel for the appellant-plaintiff in the case of M/s Divya Exports vs. M/s Shalimar Video Company and others, Mohan Kumar vs. State of Madhya Pradesh & Ors., Jasso vs. Harbans Singh and others and UCO Bank vs. M/s Mittal Bros. and others, supra are all distinguishable and have no application to the facts of the present case.”

The Court frames issues in order to cull out the points which require determination. This is a procedural provisions. Once the First Appellate Court has observed that there are comprehensive issues and the entire matter shall be decided, there is no ground to interfere in revisional jurisdiction.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 06, 2022

nt

**(ANIL KSHETARPAL)
JUDGE**

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