

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

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**CR-3038-2021
Date of Order: 13.05.2022**

HARPREET SINGH AND ANR.

..Petitioners

Versus

VIJAY KUMAR @ SONU AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitesh Singhi, Advocate
for the petitioners.

Mr. Rakshit Gupta, Advocate
for Mr. Rakesh Gupta, Advocate
for Indian Overseas Bank.

ANIL KSHETARPAL, J(Oral)

The defendant No.1 and 2 complain that the trial Court has not framed proper issues in accordance with the provisions of Order 14 Rule 1 CPC. The learned trial Court after examining the existing issue framed on 23.09.2019 as well as the proposed issues, has held that the original issues framed on 23.09.2019, are comprehensive in nature and all the points raised shall be decided.

Thus, the application was dismissed.

This revision petition has been filed challenging the aforesaid order. The learned counsel representing the petitioners while drawing the attention of the Court to Order 14 Rule 1 CPC, submits that the Court is required to frame issues on every material proposition of law and fact, asserted by one party, whereas, denied by the other parties. He submits that issues have been framed on the basis of the relief claimed in the suit.

Undoubtedly, the Court is required to frame issues in accordance with Order 14 Rule 5 CPC. However, in the considered opinion of the Court, once the trial Court has already observed that the issues framed

are comprehensive and all the points taken by the defendants shall be decided, there is no occasion for this Court to interfere.

The plaintiff has already concluded his evidence. Framing of fresh issues would involve *de novo* trial which would not be in the interest of justice.

Hence, the revision petition is dismissed.

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

May 13th, 2022

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(ANIL KSHETARPAL)
JUDGE

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