

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

CR-6456-2019 (O&M)

Date of reserve: 16.12.2022

Date of pronouncement: 19.12.2022

Ajay Pathak

.....Petitioner

Versus

Arvind Pathak and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. N. R Dahia, Advocate, for the petitioner.

Mr. Arvind Pathak, respondent No.1 in person.

Ms. Radhika Mehta, Advocate,
for respondent No.2.

HARKESH MANUJA, J.(ORAL)

By way of present revision petition, challenge has been made to an order dated 27.08.2019 passed by the Court of Additional Civil Judge (Sr. Division), Kalka, whereby, the prayer made on behalf of petitioner/defendant No.3 for framing of additional issues stands declined.

Brief facts of the case are that respondent No.1 filed a suit for declaration against the petitioner as well as respondents No.2 and 3. The petitioner/defendant No.3 contested the same by way of filing written statement besides, even filing a counter claim. Issues were framed by the trial Court on 11.07.2018. Later on, during pendency of

the suit, while evidence of respondent No.1-plaintiff was being recorded, petitioner/defendant No.3 filed an application with a prayer for framing of additional issues. Prayer made in the aforesaid application was opposed by respondent No.1/plaintiff. Trial Court vide order dated 27.08.2019, dismissed the prayer made in the application. It is the said order which has now been impugned by way of present revision petition.

I have heard learned counsel for the petitioner and respondents and have gone through the paper book.

A perusal of the impugned order dated 27.08.2019, shows that the same has been passed in a mechanical manner without even recording reasons in support. While passing the impugned order, the Court below failed to take into consideration that the issues are in fact the backbone of a suit as the entire trial thereof is guided by those and as such, the framing of issues thus having a material bearing on the trial has to be dealt with utmost responsibility. The impugned order passed by the trial Court nowhere reflects the expression of opinion conceived by it while rejecting the application made on behalf of petitioner/defendant No.3. Accordingly, the impugned order being non-speaking & reasoned is accordingly ordered to be set aside with a direction to the trial Court to decide the application filed at the instance of

petitioner/defendant No.3 afresh, after hearing both the parties and going through the pleadings by passing a reasoned order.

The revision petition is accordingly disposed of.

Pending applications, if any, shall stand disposed of.

(HARKESH MANUJA)
JUDGE

19.12.2022
anil

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