

Sham Lal

.....Petitioner

Versus

Barkat Ram

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Mr. Vaibhav Sehgal, Advocate,
for the petitioner.**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 08.12.2022 (Annexure P-3) passed by the trial Court, whereby the application filed by the petitioner for framing of additional issues has been dismissed.

The Court below has recorded that the application for amendment of the suit filed by the present petitioner, qua introduction of the pleadings regarding the adverse possession; already stood dismissed. Then, the petitioner had moved the present application for framing an issue regarding the adverse possession of the petitioner. The same has been dismissed by the trial Court on the ground that since the application for amendment of pleadings on the point of adverse possession itself was dismissed, therefore, there is no ground to frame the issue on the same point. Moreover, the trial Court has found the application of the petitioner to be a tool to delay the proceedings.

Having heard the counsel for the petitioner and having perused

the case file, this Court does not find any illegality or perversity with the order passed by the trial Court. Once the petitioner was not permitted to raise even the pleadings on the point, there is no question of framing an issue on the same point, particularly at this belated stage.

Dismissed.

(RAJBIR SEHRAWAT)
JUDGE

15.02.2023
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No