

CR-4359-2019 (O&M)

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

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CR-4359-2019 (O&M)
Date of decision : 23.11.2023

Mehmood

.... Petitioner

Versus

Dr. Shakil

.... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Randhir Singh Hooda, Advocate
for the petitioner.

Mr. Munfaid Khan, Advocate
for the respondent.

AMARJOT BHATTI J. (ORAL)

1. The petitioner Mehmood has filed Revision Petition under Article 227 of the Constitution of India for quashing of impugned order dated 30.03.2019 (Annexure P-5) passed by learned Additional Civil Judge (Senior Division), Mewat, whereby the application filed by the petitioner/plaintiff for framing of additional issue has been declined.

2. The learned counsel for the petitioner/plaintiff referred to the copy of plaint Annexure P-1 vide which he has filed suit for recovery of Rs. 10 lacs from the respondent as compensation. The written statement in this case is Annexure P-2 and from the pleadings of the parties, issues were framed on 07.09.2018, which is Annexure P-3. Thereafter, the present petitioner filed application Annexure P-4 for framing of additional issue which was ultimately declined vide impugned order dated 30.03.2019, Annexure P-5. The learned counsel for the petitioner pointed out

that he has taken specific stand in para No. 2 of the plaint regarding the incident of 04.11.2010 which is denied by the defendant in the written statement but no specific issue has been framed regarding that fact. The learned counsel argued that specific issue is required to be framed on the pleadings detailed in the plaint in para No. 2. Therefore, his application was wrongly rejected by the Court below. The impugned order dated 30.03.2019, Annexure P-5 may kindly be set aside and additional issue may be framed regarding the facts mentioned in para No. 2 of the plaint.

The learned counsel for the respondent/defendant has opposed the present civil revision. It is pointed out that the impugned order is fully justified and the same does not require any interference.

3. I have considered the arguments and have gone through the record carefully. In the plaint, the present petitioner has mentioned the sequence of events and as per his version, the petitioner lost his hand permanently due to the culpable negligence and act of commission and omission on the part of defendant as mentioned in para No. 5 of the plaint. The present petitioner has filed the suit seeking compensation from the respondent/defendant to the tune of Rs. 10 lacs and regarding this fact, issue No. 1 has been framed. The learned trial Court has rightly concluded that the plaintiff is required to prove his own claim regarding compensation by proving the facts stated in the plaint and for that purpose, no specific issue is required to be framed regarding each and every incident. Under these circumstances, I do not find any reason to interfere in the impugned order dated 30.03.2019, Annexure P-5 passed by learned trial Court and the same is accordingly, upheld and the civil revision preferred by the present petitioner/plaintiff stands dismissed.

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Pending application(s), if any, shall also stands disposed of.

(AMARJOT BHATTI)
JUDGE

23.11.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No