

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

153

2023:PHHC:113527

**CR-4662-2023(O&M)
Date of decision: 29.08.2023**

**SAINT KABIR DAY BOARDING MIDDLE
SCHOOL AND OTHERS**

..Petitioners

Versus

HARJIT SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sharad Mehra, Advocate
for the petitioner.

Mr. Lupil Gupta, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a defendant in a pending suit for possession filed by the plaintiff. The defendant filed an application for framing of additional issues over the objection taken with regard to the suit being barred by the principle of *res judicata* and also barred under Order IX Rule 8 and Order IX Rule 9 of the Code of Civil Procedure, 1908, which has been dismissed by the impugned order. The trial Court has noticed that comprehensive and detailed issues were framed on 15.11.2017 and the plaintiffs have already concluded their evidence and the defendants have also availed 33 opportunities while partly examining as many as five witnesses. Thus, the trial Court dismissed the application.

2. The purpose of framing issues is to cull out the material points, which are being contested by the parties. The trial Court has already observed that the issues already framed are comprehensive and detailed one.

3. The learned counsel representing the petitioner contends that these are legal objection and the Court may not decide the same in absence

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of distinct issues. Once, the Court of first instance in the impugned order has stated that comprehensive and detailed issues have been framed, there is hardly any scope for doubting that the aforesaid objections shall not be decided.

4. Keeping in view the aforesaid facts, the revision petition is disposed of while directing the trial Court to decide all the objections taken in the application while deciding the main case.

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

August 29th, 2023
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(ANIL KSHETARPAL)
JUDGE

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