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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of Decision: September 20, 2023

Viveck Goel

...Petitioner

Versus

Rekha Goel and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Jain, Advocate,
for the petitioner.

Mr. Arav Gupta, Advocate,
for respondent Nos. 1, 2 and 3.

SANJAY VASHISTH, J.

1. By way of present Civil Revision petition, petitioner – Viveck Goel (defendant No. 1) has challenged order dated 05.08.2023 (Annexure P-13), passed by the Court of learned Civil Judge (Junior Division), Gurugram, whereby application dated 05.08.2023 (Annexure P-12), filed by him for modification and framing of additional issues in main suit, has been disposed of.

2. From the impugned order itself, learned counsel for the petitioner refers the issues already framed by the learned Trial Court in main suit. However, being dis-satisfied with framing of Issues No. 1, 2 and 3, defendant No. 1 proposes to frame following issue in place of Issue No. 1:-

“Whether the plaintiff is owner in possession of Plot No. 76 and 77, Sector-15 Part 1, Gurugram and are these plots identifiable as per the Layout Plans of HUDA independently, if so, effect thereof?” ...OPP”

3. On the other hand, learned counsel for respondent Nos. 1, 2 and 3 submits that as far as proposal of framing of the said issue is concerned, that is completely covered under Issue No. 1, which has already been framed by the learned Trial Court in main suit, which says as under:-

“Issue No. 1 Whether the plaintiff is owner of the property bearing Plot No. 76-77 Sector 15, Part I, Gurugram? OPP”

4. Learned counsel for respondent Nos. 1, 2 and 3 further submits that, in fact, argument which defendant No. 1 may propose to address at the time of final stage, is proposed to be introduced in the issues itself. Thus, submits that whatever has been pleaded by the plaintiffs, issues have been framed by the learned Trial Court in the main suit. Thus, there is no purpose in accepting the framing of the proposed issue. Otherwise also, the proposed issue is completely covered under the already framed Issue No. 1 in the main suit.

5. Mr. Amit Jain, learned counsel for the petitioner further submits that in place of Issue No. 3, following issue is required to be framed:-

“Whether the plaintiff had ever created license and if so, can the same be terminated and the defendants are liable to be vacated? ...OPP”

6. Mr. Amit Jain submits that already framed Issue No. 3 is half-cooked and, therefore, complete evidence would not be available on record for the purpose of deciding real controversy in the suit.

7. On the other hand, Mr. Arav Gupta, learned counsel for respondent Nos. 1 to 3/plaintiffs submits that complete set of issue, as proposed

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by defendant No. 1, is covered under already framed Issue Nos. 2 and 3 in the main suit, which reads as under:-

“Issue No. 2 Whether the plaintiff had allowed the defendants to reside in a portion of her house as licensee on account of love and affection? OPP

Issue No. 3 Whether the plaintiff has terminated the license of the defendants and the plaintiff was entitled to do so and the defendants are liable to be vacated? OPP”

Thus, learned counsel for respondent Nos. 1 to 3 submits that application filed by the petitioner/defendant No. 1 is nothing but misconceived one, without understanding the true purpose of framing of the issues by the Court concerned.

8. After hearing both the sides and going through the impugned order as well as the documents appended with the revision petition, I am of the view that there is no substance in the submissions addressed by learned counsel for the petitioner/defendant No. 1. This Court is fully convinced with the submissions addressed by learned counsel for respondent Nos. 1 to 3/plaintiffs which have already been recorded hereabove.

Thus, finding nothing wrong in the impugned order dated 05.08.2023 (Annexure P-13), worth to interfere, present petition stands dismissed.

(SANJAY VASHISTH)
JUDGE

September 20, 2023

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Whether Speaking/Reasoned: YES/NO

Whether Reportable: YES/NO