

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5135-2023(O&M)
Date of Order:05.09.2023

Raj Kapoor and another

.Petitioners

Versus

Vidya Devi now deceased through her LR Mahavir Prasad

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tanmoy Gupta, Advocate, for the petitioners.

ANIL KSHETARPAL, J

1. Before the first appellate court an application filed by the defendants for framing the additional issues has been dismissed. The First Appellate Court has found that the parties knew about the dispute and they led evidence and the judgment and decree was passed after considering their submissions.

2. The learned counsel representing the petitioner contends that the proper issues were not framed as required under Order XIV of the Code of Civil Procedure, 1908. He submits that the issue with regard to relief of possession and revocation of license has not been framed.

3. This court has considered the submissions of the learned counsel representing the petitioners.

4. In fact, the issues are not required to be framed on the basis of the relief claimed in the suit. Order XIV Rule 3 CPC provides that each material proposition affirmed by one party and denied by the other shall form the subject of a distinct issue. The respondent-Smt. Vidya Devi (since deceased) filed a suit for declaration and possession claiming that her two

sons and grandson are in possession as the licencees and now the licenses have been revoked. The parties went to trial after knowing the case of each other. They were represented by their respective counsels. Moreover, the first appeal was filed in 2019, whereas the application for framing the additional issues has been filed in 2023.

- 5. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 6. Dismissed, accordingly.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

September 05, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO