

124.

2023:PHHC:162653

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

CR-7655-2023

Date of decision: 18.12.2023

M/S SIRI CHAND PADAM CHAND & ANR.

.... Petitioners

Versus

ROHIT SINGLA

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Rajan Bansal, Advocate, for the petitioners.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 18.11.2023 (Annexure P-5) passed by learned Civil Judge (Senior Division), Bathinda whereby the application filed by the petitioners-defendants under Order XIV Rule 5 read with Section 151 CPC for framing of additional issues, has been dismissed partly.

2. Briefly stated, the respondent-plaintiff filed a suit for recovery of Rs.12,17,000/- i.e. Rs.9 lacs being principal amount and Rs.3,17,000/- as interest. The case of the plaintiff is that out of Rs.9 lacs, petitioner/defendant No.2-Padam Jain borrowed Rs.5 lacs from him on 10.04.2015 and again borrowed Rs.4 lacs on 12.05.2015 and also executed a writing dated 10.04.2015 and 12.05.2015 respectively in this regard and said defendant agreed to pay said amount with interest. Issues were framed, but the

petitioners-defendants filed an application under Order XIV Rule 5 read with Section 151 CPC. However, said application was partly allowed vide order dated 18.11.2023, which order is in challenge before this Court by way of present revision petition.

3. The short prayer made in this case is for properly framing issue No.1 which has been framed as, *Whether plaintiff is entitled for recovery of Rs.12,17,000/- as prayed for? OPP*. It is contended by learned counsel for the petitioners that there are specific pleadings of the petitioners-defendants that amount of Rs.5 lacs and Rs.4 lacs were not paid and even in the alleged writing, it is written that some amount was paid as three months' advance. So, the petitioners have requested to recast issue No.1 freshly as issues No.1(a), 1(b) and 1(c).

4. Keeping in view the fact that issues are required to be framed as per the pleadings and the case is at the stage of plaintiff's evidence, the trial Court is directed to pass a speaking order regarding framing of issues as per the pleadings, the present petition is disposed of with a direction that trial Court shall pass speaking order keeping in view the pleadings of the parties and if necessary, frame the issues accordingly.

(GURBIR SINGH)
JUDGE

December 18, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No