



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 208 of 2024 (O&M)
Date of Decision: 12.11.2025

Bhagwan Singh
..... Petitioner

Versus

Karnail Singh and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kanish Jindal, Advocate
for the petitioner-defendant No. 1.

Mr. Gaurav Singla, Advocate
for contesting respondent No. 1-plaintiff.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 14.11.2023 (Annexure P-3) passed by the Court of Civil Judge (Junior Division), Sunam (**hereinafter referred to as “trial Court”**), whereby an application moved on behalf of the petitioner-defendant No. 1 (Bhagwan Singh); praying for framing of additional issues, was partly declined.

[2] In a suit for declaration preferred at the instance of respondent No. 1-plaintiff (Karnail Singh), the following issues, based on the pleadings of the parties, were framed by the learned trial Court vide order dated 15.11.2019:-

- “ 1. Whether the plaintiff is entitled to the relief of joint possession alongwith declaration as prayed for? OPP
2. Whether the plaintiff is entitled to the relief of

permanent injunction as prayed for? OPP

3. *Whether the present suit is not maintainable? OPD*
4. *Whether the plaintiff has no locus standi and cause of action to file the present suit? OPD*
5. *Whether the plaintiff is stopped by his own act and conduct from filing the present suit? OPD*
6. *Whether the plaintiff has come to the court with clean hands? OPD*
7. *Relief. ”*

[3] Thereafter, the parties having concluded their evidence; the matter was posted for final hearing on 03.03.2023 when an application came to be preferred at the instance of petitioner-defendant No. 1 seeking framing of the following additional issues:-

- “ *Whether the suit is barred under the provisions of order 23 rule 1 of CPC? OPP;*
- Whether the suit is barred under the provisions of order 2 rule 2 of CPC? OPP;*
- Whether the defendant no. 1 is bonafide purchaser? OPD”*

[4] After hearing both the sides, learned trial Court, vide its order dated 14.11.2023, allowed the prayer made by the petitioner in part and ordered for framing of the following two additional issues:-

- “ 6-A *Whether the suit is barred under the provisions of order 23 rule 1 of CPC? OP Defendant No. 1.*
- 6-B *Whether the suit is barred under the provisions of order 2 rule 2 of CPC? Op Defendant No. 1.*

 However, the prayer made by the petitioner with respect to the issue of he being a *bona fide* purchaser was declined. Hence, the present revision petition.

[5] I have heard learned counsel for the parties and gone through the paper-book.

[6] Admittedly, the plea with respect to the petitioner-defendant No. 1 being a *bona fide* purchaser has already been raised by him in his original written statement and being alive of his stand, even the evidence already stands led by him on the said aspect. Additionally, learned counsel for the petitioner has submitted that in case the additional issue(s), as prayed for, is framed by the trial Court; the petitioner shall not lead any evidence in support thereof and would only rely upon the evidence already led by him.

[7] To this, learned counsel for respondent No. 1 submits that he would not oppose the prayer made on behalf of the petitioner subject to, a request be made to the learned trial Court to dispose off the suit at the earliest.

[8] In view of the aforesaid stand taken by both the parties and considering the fact that the plea of petitioner being a *bona fide* purchaser been already part of his written statement, followed by evidence led in support thereof by him, the following additional issue is ordered to be framed:-

“ *Whether the defendant no. 1 is bonafide purchaser? OPD* ”

However, the parties shall not lead any evidence on the additional issues.

[9] Further, considering the fact that the suit is pending consideration for the past some time, the trial Court is requested to

expedite the proceedings and conclude the same preferably within three months from the date of receipt of certified copy of this order.

[10] **Disposed off**, accordingly.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

November 12, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>