



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

125-2

CR-3969-2018 (O&M)
Reserved on : 15.01.2026
Pronounced on : 11.03.2026
Uploaded on : 11.03.2026

Whether only operative part of the judgment is pronounced? No

Whether full judgment is pronounced? Yes

Rakesh Pal Kaushik and others

..... Petitioners

versus

Brij Bhushan and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. D.P. Kaushik, petitioner No.2 in person (V.C.).

PANKAJ JAIN, J. (Oral)

1. Present revision petition is directed against order dated 18.12.2017 passed by Civil Judge (Junior Division), SAS Nagar, Mohali whereby application filed by plaintiffs under Order XIV Rule 5 CPC for striking out issues stands rejected.

2. Plaintiffs have filed the present application for striking out the issues on the ground that the same were framed before filing of the replication by the plaintiffs. Trial Court dismissed the application holding that the Code of Civil Procedure, 1908 does not contemplate filing of replication and thus, the issues cannot be struck down merely on the ground that the replication was not filed by the plaintiffs. Plaintiff-petitioner No.2 has appeared in person through V.C. On being asked as to which issue he wants to be struck down, he claims that the

issues need to be reframed on the basis of replication.



3. I have heard petitioner No.2 and have carefully gone through the records of the case.

4. Trial court is right in holding that after amendment of 2002 in the Code of Civil Procedure, filing of replication cannot be claimed as a matter of right and that the same is not part of pleadings.

5. As per plaintiff, a factual issue has been raised by filing response to the written statement in replication, he could have claimed additional issue or on the basis of admission made in replication should have asked for striking out of the issue. The issues cannot be struck down merely for the reason that the same were framed prior to filing of the replication.

6. Finding no merits in the present revision petition, the same is ordered to be dismissed.

7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

11.03.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No