



124

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

CR-2529-2026**Date of Decision: 08.04.2026****RAVI KISHORE MITTAL @ RAVI MITTAL & ANR**

..... Petitioners

*Versus***HARI SINGH THROUGH HIS LRS & ORS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Shehbaz Thind, Advocate with
Ms. Smile, Advocate and
Mr. Sultan Singh, Advocate for the petitioners.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present revision petition has been instituted by the petitioners under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court, assailing the order dated 20.02.2026 (Annexure P-8) passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the application preferred by the petitioners–plaintiffs seeking framing of additional issues has been dismissed.

2. The factual background, in brief, is that the petitioners–plaintiffs instituted a suit for declaration and permanent injunction, asserting themselves to be the bona fide purchasers for consideration of the suit property, bearing House No. 246-A, Model Town, Ludhiana, vide registered Sale Deed dated 22.02.2008. It was pleaded that the petitioners were in actual and physical possession of the property since the date of purchase. However, the petitioners discovered during a court file



inspection on 12.08.2025 that respondent No.1 had obtained an *ex-parte* order dated 11.11.2014 from the Assistant Collector 1st Grade-cum-SDM Ludhiana West, whereby Mutation No. 35739 was sanctioned and the earlier mutation in favour of the petitioners was set aside without notice.

3. The petitioners subsequently sought an amendment of the plaint to specifically challenge the said *ex-parte* order as being illegal, null, and void, which was allowed by the learned Trial Court vide order dated 31.10.2025. The amended plaint was thereafter filed on 03.12.2025.

4. The respondents–defendants, in their written statement to the amended plaint, asserted that the petitioners had full knowledge of the change in mutation and the earlier litigation. They further contended that the suit was barred by the law of *res judicata*, limitation, and Order II Rule 2 CPC.

5. Following the completion of amended pleadings, the petitioners–plaintiffs moved an application dated 10.02.2026 under Order XIV Rule 5 CPC, seeking the framing of additional issues on the ground that the amended pleadings introduced new material propositions of fact and law regarding the legality of the *ex-parte* mutation order dated 11.11.2014.

6. The defendants opposed the said application, asserting that the extra issue sought to be framed was already encompassed within the existing declaration prayer and that the application was a tactic to delay the proceedings. Upon hearing the parties, the learned Civil Judge dismissed the application on 20.02.2026, holding that the issue of declaration already framed was wide enough to cover the legality of the



impugned order.

7. I have heard the learned counsel for the petitioner and have perused the paper-book and the material placed on record.

8. Following issues have been framed by the Trial Court from the original pleadings of the parties prior to the amendment of plaint:-

Issues of Civil Suit:-

1. *Whether the plaintiff is entitled for the relief of permanent injunction as prayed for? OPP*
2. *Whether the plaintiff is entitled for the relief of declaration as prayed for? OPP*
3. *Whether the plaintiff has not come to the Court with clean hands and has suppressed the material facts from the Court? OPD*
4. *Whether the suit of the plaintiff is barred by law of res rudicata? OPD*
5. *Whether the suit of the plaintiff is not maintainable in its present form? OPD*
6. *Relief.*

Issues of Counter Claim:-

1. *Whether the counter claimant is entitled for the relief of declaration as prayed for? OPCC*
2. *Whether the counter claimant is entitled for the relief of possession as prayed for? OPCC*
3. *Whether the counter claimant is entitled for the relief of mesne profits alongwith interest as prayed for? OPCC*
4. *Whether the counter claimant is entitled for the relief of compensation and damages as prayed for? OPCC*
5. *Whether the counter claimant is entitled for the relief*



of permanent injunction as prayed for? OPCC

6. *Whether the counter claimants have not come to the Court with clean hands and have suppressed the material facts from the Court? OPCCR*

7. *Whether the counter claimant has no locus standi to file the present suit? OPCCR*

8. *Whether the counter claim is not maintainable in its present form? OPR*

9. *Relief.*

9. Learned Civil Judge (Jr. Divn.), Ludhiana has dismissed the application moved by the petitioner for framing of additional issue by observing that the issue relating to declaration, as already framed, is wide enough to encompass adjudication of the legality, validity and effect of the impugned order as well as the rights claimed by the plaintiff on the basis of the sale and mutation. However, a Coordinate Bench of this Court in 2018 (1) PLR 131 titled '**Gaurav Goel Vs. Ramji Dass and others**' has held that framing of issues is an important step which facilitates the trial of the case. The parties, on framing of issues, come to know as to what is to be proved by them respectively. The onus to prove a particular issue is also important because the opportunity to lead rebuttal evidence depends thereupon and the plaintiff is permitted to lead evidence in rebuttal only on an issue, the onus whereof was on the defendants. It has been further held that the Courts generally frame issues only on the basis of the prayer made in the plaint, which is not the requirement of Order 14 Rule 1 CPC. The issues are to be framed on the basis of the assertions made by the parties in the pleadings and have to reflect the application of mind and the controversy involved in the suit.



10. At this stage, it would be apposite to note that the provisions of Order XIV Rule 1 CPC stipulates that issues are required to be framed upon material propositions of fact or law which are affirmed by one party and denied by the other. The relevant provisions of Order XIV Rule 1 CPC read as under:

“ORDER XIV Settlement of Issues and Determination of Suit on Issues of Law or on Issues agreed upon:-

1. Framing of issues.—(1) Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

(2) Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue or a defendant must allege in order to constitute his defence.

(3) Each material proposition affirmed by one party and denied by the other shall form the subject of distinct issue.

(4) Issues are of two kinds: (a) issues of fact, (b) issues of law.

(5) At the first hearing of the suit the Court shall, after reading the plaint and the written statements if any, and [after examination under rule 2 of Order X and after hearing the parties or their pleaders], ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to depend.

(6) Nothing in this rule requires the Court to frame and record issues where the defendant at the first hearing of the suit makes no defence.”

11. The Civil Court is further vested with the authority to frame



additional issues under Order XIV Rule 5 CPC which are necessary for the just determination of the controversy. The relevant provisions of Order XIV Rule 5 CPC is reproduced as under:

“5. Power to amend and strike out, issues.—

(1) The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matters in controversy between the parties shall be so made or framed.

(2) The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

12. A perusal of the amended pleadings reveals that the petitioners have specifically challenged the *ex-parte* order dated 11.11.2014 as being illegal and without jurisdiction, a material proposition specifically denied by the respondents and they also claim to be *bonafide* purchasers of the suit property. Furthermore, the defendants have raised substantial legal bars including *res judicata*, limitation and *lis pendens*.

13. The issues as have been framed by the learned Trial Court are general in nature and are covered under the relief clause i.e. whether the plaintiff is entitled to the relief of permanent injunction and whether the plaintiff is entitled to the relief of declaration, which are vague in nature. Specific issues are required to be framed on the basis of the pleadings of the parties i.e. a question of fact or law asserted by one party and refuted by the other and on the basis of the same, the issues are to be framed.



14. In the considered view of this Court, the impugned order suffers from material illegality as the learned Civil Judge failed to exercise the jurisdiction vested in it under Order XIV Rule 5 CPC to frame specific issues arising from the contents of the plaint as well as amended pleadings. Consequently, this Court is justified in interfering with the impugned order so as to rectify the material illegality. The impugned order dated 20.02.2026 is, accordingly, set aside and the learned Trial Court is directed to frame necessary issues arising out of the material propositions of fact and law pleaded by plaintiff and refuted by defendant in the written statement, in terms of Order XIV Rule 1 and Rule 5 CPC, and thereafter proceed with the matter in accordance with law.

15. In view of the foregoing observations and reasons recorded here-in-above, the present revision petition stands allowed.

16. It is, however, clarified that the observations made here-in-above are purely confined to the adjudication of the present petition and shall not be interpret as an expression of opinion on the merits of the underlying dispute.

17. Since the matter stands finally disposed of, all pending miscellaneous application(s), if any, also stand disposed of accordingly.

(YASHVIR SINGH RATHOR)
JUDGE

08.04.2026
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No