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

CR-342-2026 (O&M)

Date of Decision : 27.01.2026

Bhupender Singh

... Petitioner(s)

Versus

Dropati (deceased) through LR & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raj Kumar, Advocate for the petitioner
(through hybrid mode).

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 18.11.2025 whereby the application filed by the plaintiff-petitioner under Order 14 Rule 5 of the Code of Civil Procedure, 1908 (CPC) for framing of an additional issue at the stage of rebuttal evidence has been dismissed.

2. Briefly, the facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a suit for specific performance of an agreement to sell dated 07.03.2015 in respect of a shop No.6. Written statement was filed. On the basis of the pleadings of the parties, the following issues were framed by the Trial Court :

“1. Whether the plaintiff is entitled to decree for possession by way of specific performance of agreement to sell dated 07.03.2015 ? OPP

2. Whether the suit of the plaintiff is not maintainable in

the present form ? OPD

3. *Whether the plaintiff has no locus standi, cause of action and not come to the Court in clean hands while filing the present suit ? OPD*

4. *Whether the suit is bad for mis-joinder and non-joinder of necessary parties ? OPD*

5. *Whether the suit of the plaintiff is liable to be dismissed ? OPD*

6. *Relief.”*

At the stage of rebuttal evidence, an application was filed by the plaintiff-petitioner for framing of an additional issue, which reads as under :

“5A. Whether the alleged agreement for sale dated 07.03.2015 is absolutely wrong and is against law and facts on record and is without consideration and is based on deceive, fraud and forgery and is null and void and is not binding on the rights of the defendants ? OPD”

Reply was filed to the said application and vide the impugned order dated 18.11.2025, the application was dismissed. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the plaintiff-petitioner would contend that since the defendants had pleaded fraud and, therefore, a specific issue qua the same ought to have been framed casting the onus on the defendants.

4. I have heard the learned counsel for the plaintiff-petitioner.

5. In the present case, the suit is for specific performance of an agreement to sell dated 07.03.2015. The issues in the present case were framed on 18.09.2019. Issue No.1 is *“Whether the plaintiff is entitled to decree for*

possession by way of specific performance of agreement to sell dated 07.03.2015” and the burden of the same has been cast upon the plaintiff-petitioner. The plaintiff-petitioner was required to prove the agreement to sell and the fact that he is entitled to specific performance in the affirmative. The defendant-respondents are to rebut the same at the time of leading their evidence. In case the agreement is a genuine agreement, the onus lies upon the plaintiff-petitioner to have proved the same in the affirmative. Both the parties have concluded their evidence as is apparent from the impugned order dated 18.11.2025 and when the case was fixed at the stage of rebuttal evidence the present application has been filed.

6. In view of the above and keeping in view the fact that the issue now claimed already stands covered in issue No.1 and the trial itself is at the fag end, no ground is made out to entertain the present revision petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

7. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

27.01.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO