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

CR-2586-2025

Date of decision: 30.04.2025

Asha Rani

...Petitioner

Versus

Amrik Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dhiraj Jindal, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 05.03.2025 (Annexure P-1) passed in Civil Suit No.410 of 2018 titled as “Amrik Singh Vs. Asha Rani” by the Additional Civil Judge (Senior Division), Khanna, whereby the application filed under Order 14 Rule 5 CPC for framing of additional issue by the petitioner has been dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner in her written statement had taken the specific plea that the plaintiff advances loan amounts to public at large on installment basis and is running the business of financing the loan amount on interest. It is submitted that in view of the said averments, the suit of the plaintiff is not maintainable and thus, specific issue regarding the same should have been framed and the application filed by the petitioner for framing of additional issue is meritorious and should have been allowed and the same has been illegally rejected vide order dated 05.03.2025.



3. This Court has heard learned counsel for the petitioner and has perused the paper book.

4. A perusal of order dated 05.03.2025 would show that it was observed by the trial Court that in the present case, the issues were already framed and both the parties had already led their evidence and the case was fixed at the stage of documentary evidence of the defendant and that both the parties were aware of the averments made in their pleadings and as such would have led their evidence as per their pleadings. It was further observed that issue Nos.1, 3 and 4, which had been framed, would cover all the aspects including the aspect which was sought to be raised by the petitioner. The issues which were framed vide order dated 26.11.2019 passed by the Civil Judge (Junior Division), Khanna are reproduced hereinbelow:-

“Heard. From the pleadings of the parties, the following issues are framed as under:-

Issue No.1: Whether the plaintiff is entitled to recovery of Rs.8,15,000/-, as prayed for ?. OPP

Issue No.2: Whether the plaintiff is entitled to permanent injunction, as prayed for ?. OPP

Issue No.3: Whether the suit of the plaintiff is not maintainable ?. OPD

Issue No.4: Whether the plaintiff has concealed the true and material facts from the Court ?. OPD

Issue No.5: Whether the plaintiff has no locus standi and no cause of action to file the present suit ?. OPD

Issue No.6: Relief.

No other issue pressed or arises. To come up on 07.01.2020 for evidence of the plaintiff. PF/DM and list of witnesses, if any, be deposited within three days.”

5. A perusal of the above issues would show that issue No.3 had



been specifically framed to the effect whether the suit of the plaintiff is not maintainable and issue No.1 had also been framed to the effect whether the plaintiff is entitled to recovery as prayed for and thus, it had been rightly observed by the trial Court that there is no need to frame any other specific issue, more so, issue with respect to whether the plaintiff was working as financier or not. It had further been rightly observed that the parties had gone to trial after fully knowing the case of each other and in the said situation, the parties would have led evidence in support of their pleadings and in refutation of other sides' pleadings.

6. Further a perusal of the abovesaid order dated 26.11.2019 would clearly show that it was specifically recorded in the said order that no other issues were pressed or arose and the matter was adjourned to 07.01.2020 for evidence of the plaintiff. The present application has been filed by the petitioner on 10.02.2025, after the entire evidence has been led by both the parties. It is thus, apparent that the petitioner has filed the present application primarily to delay the proceedings, as the suit had been filed by the respondent in the year 2018 for recovery of Rs.8,15,000/-.

7. The Hon'ble Supreme Court in the case of **"Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil"**, reported as **(2010) 8 Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure



Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

8. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

30.04.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No