



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

CR-1541-2025

Date of decision: 17.03.2025

AMAR SINGH

..Petitioner

Versus

SURJIT SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Garg, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. Though, no notice in the civil revision petition has been issued, however, it is considered appropriate to dispose of the revision petition while granting liberty to the respondent to file application for recall of the order.
2. The dispute is with regard to correctness of the issues culled out by the trial Court. The trial Court on 10.08.2021 culled out the following issues:-

“1. Whether the plaintiff is entitled to the relief of possession by way of specific performance of the agreement? OPP

2. Whether the plaintiff is entitled for permanent injunction as prayed for? OPP

3. Whether the suit of the plaintiffs is not maintainable in the present form? OPD

4. Whether the suit of the plaintiff is false and frivolous? OPD

5. Whether the plaintiff has no cause of action or locus standi to file the present suit? OPD

6. Whether the plaintiff has no cause of action or locus standi to file the present suit? OPD

7. Whether the plaintiff has suppressed the material facts from the Court? OPD

8. Whether suit of the plaintiff is bad for non joinder and mis joinder of necessary parties ? OPD



9. Whether the plaintiff has estopped by his act and conduct from filing the present suit? OPD

10. Relief. ”

3. An application was filed by the defendant under Order XIV Rule 5 of the Code of Civil Procedure, 1908 (in short ‘CPC’) for framing additional issues particularly with respect to readiness and willingness of the plaintiff to get the sale deed executed, however, the trial Court refused to frame additional issues on the ground that comprehensive issues on the basis of prayer made in the plaint have already been framed.

4. As per Order XIV of the ‘CPC’, the issues are required to be culled out on the basis of material proposition affirmed by one party and denied by the other. Each material proposition is required to form the subject of a distinct issue. In this case, execution of the agreement to sell on receipt of earnest money is not disputed. The defendant contested the case on the ground that the plaintiff was not ready and willing to perform his part of the contract. Hence, the material proposition, which arose for consideration in the suit was ‘whether the plaintiff was ready and willing to perform his part of the contract?’, however, the Court has not framed such an issue. Despite the defendant having filed an application requesting the Court to frame issue, the Court has refused to do so. The impugned order thus is not sustainable.

5. Repeatedly, this Court has observed that the trial Courts are failing to frame proper issues under Order XIV of the ‘CPC’, which is not in accordance with law.

6. Learned counsel for the petitioner has informed that only one witness on behalf of the plaintiff has been partially examined. Thus, not much progress has been made in the trial of the case.

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7. Consequently, the impugned order is modified and the trial Court is directed to frame additional issue.

8. Disposed of accordingly.

9. Let a copy of this order be circulated amongst all the Civil Judges, who are required to cull out the issues in the suits. Failure to frame proper issues shall be viewed seriously henceforth.

March 17th, 2025*Ayub***(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*