

2025:PHHC:065124



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2967-2025 (O&M)
Date of Decision: 15.05.2025

JAI SINGH

. . . . Petitioner

Vs.

MOHINDER SINGH (DECEASED) THROUGH LRS AND ANOTHER

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ravinder Malik (Ravi), Advocate, for the petitioner.

DEEPAK GUPTA, J.

Petitioner herein is one of the defendants in Civil Suit titled 'Mohinder Vs. Jai Singh and others' (CS-1761-2017), pending before the learned Additional Civil Judge (Sr. Division), Ambala. He is aggrieved by the order dated 02.05.2025 (Annexure P6), whereby his application for framing of additional issue, was declined.

2. It is contended by learned counsel that suit was filed by the plaintiff-Mohinder (*respondent herein*) seeking decree for possession of the suit property and that in the written statement, the defendants including the petitioner had taken a specific plea that they had become owner of the suit property by way of adverse possession. However, no specific issue on this plea of adverse possession was framed and therefore, the trial Court was not justified in declining the application of the petitioner so as to frame an additional issue on this plea of adverse possession.

3. Though at the first blush, the contention raised by learned counsel for the petitioner appears to contain some force, but when the

conduct of the petitioner and other defendants is noticed, as is reflected from the impugned order, it will be found that application was moved with the sole motive to delay the proceedings.

4. As has been noticed by the trial Court in the impugned order, issues were framed way back on 10.02.2020. Plaintiff closed the evidence on 24.09.2024. Defendants availed as many as six opportunities, but failed to conclude the evidence and ultimately their evidence was closed by the Court vide order dated 20.02.2025 and when the case was at the stage of rebuttal evidence, then the application for framing of the additional issue was filed.

5. The aforesaid facts in itself show the *mala fide* intention of the petitioner-defendant to delay the proceedings and so, the trial Court has rightly observed that it is a mere abuse of the process of law.

6. Moreover, parties were aware about the pleadings of each other and could have led their evidence accordingly. Even if, no specific issue regarding adverse possession has been framed, the Court concerned will be at liberty to adjudicate the said plea at the time of final disposal of the case and for that purpose, it is not required at this stage of rebuttal evidence so as to frame an additional issue.

7. Consequently, this Court does not find any illegality or perversity in the impugned order and as such, the same is hereby dismissed.

15.05.2025

Vivek

**(DEEPAK GUPTA)
JUDGE**

<i>Whether speaking/reasoned?</i>	Yes
<i>Whether reportable?</i>	No