



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

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CR-1408-2025 (O&M)

Date of Decision.:07.03.2025

Gaganpreet Singh

Petitioner

Vs.

M/s Bhagwan Dass Pawan Kumar

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Saurabh Kapoor, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner is defendant before the trial Court of learned Additional Civil Judge (Senior Division), Khanna in civil suit titled as "*M/s Bhagwan Dass Pawan Kumar v. Gaganpreet Singh*". He is aggrieved by the order dated 24.01.2025 (Annexure P-10), whereby an application moved under Order 14 Rule 5 of the Code of Civil Procedure for framing an additional issue has been dismissed by the trial Court.

2. Simple contention made by learned counsel is that specific preliminary objection had been raised by the defendant that suit was barred by limitation. However no issue pertaining to limitation has been framed and when defendant moved the application to frame issue on this aspect, trial Court has dismissed the application by observing that the issue will be covered under already framed issue Nos.1 and 2 to the effect as to 'whether the plaintiff is entitled for recovery of Rs.6,61,122/- as prayed for? OPP'; and that 'whether the suit of the plaintiff is not maintainable? OPD'.

3. I agree with learned counsel for the petitioner that specific issue was required to be framed regarding the limitation as limitation is the mixed question of law and fact and necessary evidence is likely to be led on this aspect.



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4. As such, without issuing any notice of motion to the respondent-plaintiff, lest it may delay the proceedings, this petition is hereby accepted. The impugned order is hereby set aside. Trial Court is directed to frame a specific issue on the limitation and proceed further in accordance with law, as it has been informed by learned counsel for the petitioner that case is still at the stage of plaintiff's evidence.

5. Since notice of motion has not been issued to avoid delay, respondent will be at liberty to approach this Court, in case, he feels aggrieved by this order.

Pending application(s), if any, also stands disposed of.

**(DEEPAK GUPTA)
JUDGE**

March 07, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No