



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

CR-8435-2025

DECIDED ON: 11.12.2025

MINAKSHI ALIAS FULLO

.....PETITIONER

VERSUS

BAJRANGI PARSHAD AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Chetan Bansal, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. The present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 20.09.2025 passed by the learned Civil Judge (Junior Division), Amritsar, whereby the application filed by the revision petitioner under Order XIV Rule 1 & 5 read with Section 151 CPC for framing additional issues was dismissed.

2. The factual background necessary for disposal of this revision petition arises from the civil suit instituted by the respondent/plaintiff, who is the father of defendant No.1 and father-in-law of defendant No.2, seeking the relief of mandatory injunction directing the defendants to vacate and hand over vacant possession of the suit property and for consequential relief of permanent injunction restraining them from parting with possession or altering the nature of the property.

3. The petitioner contends that the learned trial Court erroneously declined to frame the proposed issues despite the pleadings giving rise to specific questions requiring adjudication.

4. Since the short controversy is involved in the present revision petition, no notice is required to be issued to the respondents.

5. I have heard learned counsel for the petitioner and carefully perused the paper-book.

6. Issues in the suit were framed on 07.08.2023 by the learned trial Court, which read as under:

(i) Whether the plaintiff is entitled to the relief of mandatory injunction as prayed for? OPP.

(ii) Whether the plaintiff is entitled to the relief of permanent injunction as prayed for? OPP.

(iii) Whether the present suit is not legally maintainable? OPD.

(iv) Whether the plaintiff has not approached the Court with clean hands? OPD.

(v) Whether the present suit is bad for misjoinder and non-joinder of necessary parties? OPD.

(vi) Whether the present suit is barred under Section 41(h) of the Specific Relief Act? OPD.

(vii) Whether the plaintiff has no cause of action and locus standi to file the suit? OPD.

(viii) Relief.

7. It is the case of the petitioner that additional issues regarding whether the suit property constitutes a shared household of defendant No.2 and whether any order of possession can be passed against defendant No.2 ought to have been framed. However, the perusal of the pleadings and the entire record shows that the learned trial Court was correct in concluding that the controversy between the parties already stands comprehensively

covered within the issues framed above. Issue No.1, which pertains to entitlement to mandatory injunction, necessarily requires the Court to determine who has a better right to occupy the premises, the nature of the possession of the defendants, and whether the plaintiff is entitled to recovery of possession against them. All questions relating to shared household, licensee status, joint possession, and rights claimed by defendant No.2 are intrinsic to the adjudication of Issue No.1. Similarly, Issue No.2, concerning permanent injunction, also subsumes the inquiry into whether defendant No.2 has any independent or superior right in the suit property that would disentitle the plaintiff from seeking injunctive relief. Thus, the proposed issues stand fully embedded in the scope of Issues No.1 and 2 already framed by the trial Court.

8. The framing of an issue is only required where a material proposition of fact or law is affirmed by one party and denied by the other, requiring a distinct adjudication. When the matter in question is already part of the existing issues and is capable of being adjudicated within their scope, the law does not require duplication of issues or unnecessary fragmentation of the inquiry.

9. The trial Court has rightly relied on settled law in case ***Bakhtaur Singh and others vs. Balvir Chand and another, 2016(2) Civil Court Cases 735***, that issues are to be framed on material propositions and not on every plea raised in the written statement, and that additional issues are unwarranted where they are already subsumed in the issues on record. The reasoning given by the learned trial Court is sound, legally sustainable, and does not disclose any jurisdictional error warranting interference under Article 227 of the Constitution of India. This Court does not sit as an

appellate authority to re-appreciate factual pleas relating to issue framing unless the trial Court has either omitted a mandatory issue or acted perversely. Neither situation arises in the present case.

10. In view of the above discussion, once all the proposed issues are clearly and effectively covered under Issues No.1 and 2 already framed on 07.08.2023, and since no prejudice is going to be caused to the petitioner in leading evidence or contesting the matter, there is no necessity for framing additional issues. The impugned order does not suffer from any illegality, infirmity or perversity.

11. Accordingly, the civil revision petition stands dismissed.

12. All pending miscellaneous application(s), if any, stands disposed of.

11.12.2025

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No