
(2010) 09 P&H CK 0383
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 2986 of 2010

Anju Mittal Kumar and Another	Vs	APPELLANT
Manju Singhal and Another		RESPONDENT

Date of Decision : 06-09-2010

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2010) 09 P&H CK 0383

Hon'ble Judges : L.N. Mittal, J

Bench : Single Bench

Judgement

L.N. Mittal, J.—Defendants are in revision under Article 227 of the Constitution of India to assail order dated 01.04.2010 (Annexure P-1) passed by learned Civil Judge (Junior Division), Chandigarh, thereby dismissing defendants' application Annexure P-3 for framing additional issues.

2. I have heard learned Counsel for the parties and perused the case file.

3. Copy of plaint, as shown by learned Counsel for the respondents/plaintiffs, has also been perused, whereas written statement (Annexure P-2) is already on record.

4. Respondents have filed suit for mandatory injunction alleging that the defendants/petitioners were licensees in the suit premises, but have failed to vacate the same in spite of termination of license. Accordingly, plaintiffs/defendants have sought mandatory injunction directing the defendants to vacate the disputed premises and to pay mesne profits.

5. On the other hand, defendants/petitioners have inter alia pleaded that they are tenants in the disputed premises.

6. It is unfortunate litigation between close relatives. Plaintiff No. 1 and defendant No. 1 are real sisters, whereas plaintiff No. 2 and defendant No. 2 are their respective husbands.

7. Having heard learned Counsel for the parties for some time and having perused the pleadings, I find that issue No. 1 already framed by the trial court, as reproduced at page 6 of the paper-book, requires to be re-framed and three additional issues are also required to be framed. Accordingly, issue No. 1 already framed by the trial court is re-cast as under:

Whether defendants were licensees in the suit property and their license has since been revoked? If so, whether plaintiffs are entitled to mandatory injunction, as prayed for? OPP.

8. Following additional issues are framed:

5-A. Whether plaintiffs are entitled to mesne profits for use and occupation of the suit property by the defendants? If so, at what rate? OPP.

5-B. Whether suit has not been properly valued for purposes of court fee and jurisdiction? OPD.

5-C. Whether defendants are tenants in the suit property? If so, to what effect? OPD.

9. The revision petition stands disposed of accordingly.