

Constitution of India, Art. 227 – Issues – Additional issue – Suit for a decree of declaration and permanent injunction – At stage of rebuttal evidence and arguments, application filed for framing of issues with regard to validity, genuineness or otherwise of the impugned Wills – Seven exhaustive issues were framed – Parties were well aware of each other’s pleadings and led their respective evidence in support thereof – The real controversy between the parties can effectively be decided under already framed exhaustive issues – Trial Court has dismissed the application holding that *issue No.1 is an exhaustive issue which covers the disputed fact of the plaintiffs and there is no need to frame any separate issue, plaintiffs had led their evidence and defendant, has also led his evidence, case is already fixed for rebuttal evidence and arguments, suit can be effectively decided on the basis of evidence led by the parties by deciding issue No.1 & 2* – Trial Court has examined the matter in the right perspective and recorded the cogent grounds in this relevant connection – Such order, containing valid reasons, cannot legally be set aside, in exercise of limited revisional jurisdiction of this Court, as contemplated under Article 227 of the Constitution of India, unless the same is perverse and without jurisdiction – [CPC O. 14 R. 1](#).

[2014 PLRonline 0200](#)

PLRonline 312702

[Login / Subscribe](#) to read Full Notes and Judgment