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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 20th January 2026***

+ CM(M) 149/2026 & CM APPL. 3794/2026

RAVINDER DUTTA

.....Petitioner

Through: Mr. Chiraayu Trehan, Mr. Ritu Raj
and Mr. Dilip Shukla, Advocates.

versus

PARVINDER DUTTA

.....Respondent

Through: Mr. Counsel (Appearance not given).

CORAM:**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER****Rajneesh Kumar Gupta, J. (Oral)**

1. This hearing has been conducted through hybrid mode.

CM APPL. 3795/2026 (for exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

CM(M) 149/2026 & CM APPL. 3794/2026 (for stay)3. The present petition has been filed under Article 227 of the Constitution of India, assailing the order dated 04th December, 2025 passed by the learned Trial Court in *Civil DJ No. 132/2016*, whereby the application filed by the petitioner/defendant Nos. 1, 4 and 5 under Order XIV Rule 5 read with Section 151 of the Code of Civil Procedure, 1908, has been dismissed.

4. Learned counsel for the respondent has appeared on advance notice and accepts notice.

5. Heard. Record perused.

6. Learned counsel for the petitioner submits that the learned Trial Court



has passed the impugned order without duly appreciating the facts on record and that the additional issues sought to be framed by the petitioner are essential for the proper adjudication of the case.

7. *Per contra*, learned counsel for the respondent submits that the present petition has been filed only with a view to delay the proceedings and that there is no illegality or infirmity in the impugned order.

8. The operative portion of the impugned order reads as under :

*“...Perusal of the record shows that issues were framed by the Hon’ble High Court on 23.02.2011 and defendant no. 1 was asked to begin first with his witnesses. Defence evidence has already been concluded and during the cross examination of plaintiff witness i.e. PW 1, defendant no. 1, 4 and 5 are seeking framing of additional issues. Order 14 Rule 5 CPC permits framing/ amending issues at any stage for effective adjudication of the matter, however, Order 14 Rule 5 CPC cannot be used as and abuse at an advance stage of a case. Reliance may be placed upon **Salem Advocate Bar Assn. v. Union of India**, (2005) 6 SCC 344. The additional issues which the defendant no. 1, 4 and 5 want to be framed are substantially covered in the issues already framed on 23.02.2011. Order 14 Rule 5 cannot re-frame issues merely to "shift onus" after the evidence is led. In the opinion of the Court there is no necessity for framing of additional issues as the existing issues are sufficient for just decision of the matter. Accordingly, the application moved on behalf of defendant no. 1, 4 and 5 stands dismissed.”*

9. A perusal of the record reveals that the issues were framed on 23rd February, 2011, as noted in the impugned order. The application seeking framing of additional issues was moved on behalf of the petitioner on 04th October, 2025, i.e., after a lapse of more than 14 (fourteen) years.

10. The impugned order is a well-reasoned order passed in accordance with law, and does not require any interference of this Court under Article



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227 of the Constitution of India. Accordingly, this Court does not find any illegality in the impugned order. The present petition is dismissed as being devoid of any merits. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA
JUDGE

JANUARY 20, 2026/nd/abk