

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 19250/2025

M/s. Jhandi Prasad Parmeshwar Lal, Through Proprietor Pawan Kumar S/o Late Shri Parmeshwarlal, R/o Shahpura, Tehsil Shahpura, District Jaipur.

-----Petitioner/Defendant No.2

Versus

1. Smt. Sajjan Kanwar S/o Late Hemsingh, R/o Opposite Chouhan House Court, Shahpura, District Jaipur
.....Respondent/Plaintiff
2. Bharat Petroleum Corporation Limited, Office 4 And 6 Karim Bhai Road, Bhilai Estate Mumbai 400038 And PO Shri Ram Ji Nangal Industrial Area, Jaipur And Second Address Bharat Petroleum Corporation Limited Through Regional Manager PO Shriram Ki Nangal, Sitapura Industrial Area, Sanganer, Jaipur.
3. State Of Rajasthan Through District Collector, Jaipur Address Collectorate Premises Banipark, Jaipur City Jaipur District Jaipur.

-----Respondents/Defendant No.1 & 3.

For Petitioner(s)	:	Mr. Rajesh Kumar Sharma
For Respondent(s)	:	

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment

09/12/2025

This writ petition has been filed assailing the order dated 19.09.2025, passed by the learned Additional District And Sessions Judge No.1, Shahpura, Jaipur, District Jaipur, whereby, the application filed by the petitioner-defendant, who was impleaded subsequently, under Order 14 Rule 5 read with Section 151 of CPC for amendment in the issues, was rejected.

Learned counsel for the petitioner submits that the suit was filed in the year 2008 against only one defendant-Bharat Petroleum Corporation Ltd. Thereafter, in the year 2021, on the application under Order 1 Rule 10 CPC, the present petitioner was impleaded as defendant in the suit. After his impleadment and upon considering the pleadings of the parties, issues were framed in the year 2023. Learned counsel further submits that the lease deed came to their knowledge subsequently, therefore they moved an application seeking amendment of the issues. The issue that they sought to frame reads as under:

“ आया लीज डीड दिनांकित 12.08.1960 की शर्त संख्या-9 व 11 की रेशनी में घटित सब्सीक्यूवेंट इवेंट (भूमि की 90बी की कार्यवाही होना व भूमि का सिवायचक घोषित होना व भूमि का पट्टा प्रतिवादी संख्या-2 के पक्ष में जारी होना) का वाद की पोषणीयता पर क्या असर है?”

He submits that this is a necessary issue and therefore, it ought to have been permitted to be framed.

This Court finds that the issue sought to be framed is not specifically pleaded in the reply, and no rejoinder has been filed by the plaintiff in respect of the said fact. Since there are neither pleadings between the parties nor any denial, the issue cannot be permitted to be framed.

It is a settled principle of law that issues are to be framed based on the pleadings i.e. assertion of a fact by one party and its denial by the other.

This Court also finds that the issues in the present case were duly framed in the year 2023, after the impleadment of the

petitioner and subsequent to the filing of his written statement. The trial court was therefore justified in declining to frame the proposed additional issue, as it neither arises from the pleadings nor is necessary for the just and effective adjudication of the suit.

Therefore, the present writ petition is hereby dismissed and the order dated 19.09.2025, passed by the learned Additional District And Sessions Judge No.1, Shahpura, Jaipur, District Jaipur, is upheld. However, observations made in the order dated 19.09.2025 will not come in the way of petitioner at the final stage.

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

(BIPIN GUPTA),J