

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No.1255 of 2026 <u>Hon'ble Siddhartha Sah, J.</u></p> <p>Heard Ms. Prabha Naithani, learned counsel for the petitioner.</p> <p>2. The present petition has been preferred by the petitioner for setting-aside the impugned order dated 14.01.2026 passed by the learned 2nd Additional Senior Civil Judge, Haridwar in Original Suit No.143 of 2023 titled as “<i>Usha Rani vs. Smt. Usha</i>” in application under Order XIV Rule 5 r/w 151 CPC to the extent that the learned court refused to include the proposed issues mentioned in the application of the petitioner and further to allow the application under Order XIV Rule 5 r/w 151 CPC filed by the petitioner and direct the court below to frame the additional issues as proposed by the petitioner.</p> <p>3. While assailing the impugned order dated 14.01.2026, learned counsel for the petitioner makes a submission that in the suit for specific performance, the defendant raised a plea that the suit was not maintainable as the alleged Power of Attorney Holder did not have the authority to execute the agreement to sell and precisely for agitating the said issue, an application under Order XIV Rule 5 r/w 151 CPC was filed praying for framing certain additional issues, which are extracted herein below:-</p> <p style="text-align: center;"><i>“(i) Whether the attorney Arvind Kumar was competent to entered into and execute the agreement dated 29.10.2021 on the basis of Power of Attorney dated 15.06.2021 registered in Book no.4, Registration no.194</i></p>

of 2021 on 15.06.2021?

(ii) Whether the attorney Arvind Kumar is competent to file the present suit?

(iii) Whether the actual sale consideration agreed between the parties was Rs.3,02,00,000/- as per the terms & conditions of Agreement dated 29.10.2021?

(iv) Whether the agreement dated 29.10.2021 of Rs.73,00,000/- was not meant for execution being stood cancelled by execution of a subsequent agreement dated 29.10.2021 for Rs.3,02,00,000/-?

(v) Whether the suit is devoid of cause of action?"

However, the trial court has rejected the said application under Order XIV Rule 5 r/w 151 CPC without considering this crucial aspect and as such the order dated 14.01.2026 is not sustainable.

4. In such view of the matter, issue notice to the respondent, returnable within two weeks. Steps to be taken within a week. However, at this stage, no interim order is called for.

5. List this matter on 30.06.2026.

(Siddhartha Sah, J.)

06.05.2026

Akash