

STEP-BY-STEP TO UNDERSTAND

FRAMING OF ISSUES

UNDER THE CODE OF CIVIL PROCEDURE, 1908 (CPC)



Prepared By :

Adv Usha Vats & Adv Manoj Parashar

Meaning of Issues in CPC

“**Issues**” are *the disputed questions of fact or law* arising between the parties in a civil suit, which are necessary to decide for determining the rights of the parties.

They are framed by the **Court under Order 14 of CPC** after pleadings (plaint and written statement) are completed.

Relevant Provision: Order XIV CPC — Framing of Issues

Provision	Content / Meaning
Order 14 Rule 1(1)	Issues arise when a material proposition of fact or law is affirmed by one party and denied by the other.
Order 14 Rule 1(3)	Issues are of two kinds – (a) <i>Issues of Fact</i> , and (b) <i>Issues of Law</i> .
Order 14 Rule 2	Court must pronounce judgment on all issues unless it can dispose of the case on a

Provision	Content / Meaning
	preliminary issue of law (like jurisdiction or limitation).

Types of Issues

Type	Explanation	Example
(1) Issues of Fact	When facts alleged by one party are denied by the other.	“Whether the defendant trespassed upon the plaintiff’s property?”
(2) Issues of Law	When a question of legal interpretation is disputed.	“Whether the suit is barred by limitation?”

Procedure for Framing of Issues

Stage	Action
1. After pleadings are complete	Court examines plaint, written statement, and documents.

Stage	Action
2. Examination of parties under Order 10 CPC	Judge may ask questions to clarify disputes.
3. Consideration of admissions & denials	Only disputed facts/laws are converted into issues.
4. Framing and recording of issues	Court frames issues in writing and reads them in open court.

Purpose of Framing Issues

- To **identify the real matters in dispute**.
 - To **narrow down the controversy** between the parties.
 - To **guide the evidence** to be produced at trial.
 - To **assist the Court** in determining judgment and findings.
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Landmark Judgments on Framing of Issues

Case Name	Principle Laid Down
Makhan Lal Bangal v. Manas Bhunia, (2001) 2 SCC 652	Framing of issues is a vital step — it determines the scope of trial and evidence.
Siddik Mahomed Shah v. Mt. Saran, AIR 1930 PC 57	Court cannot grant relief on a matter not covered by the issues.
Kalyan Singh Chouhan v. C.P. Joshi, (2011) 11 SCC 786	Findings cannot be given on a question not framed as an issue unless parties understood it to be in issue.
T. Arivandandam v. T.V. Satyapal, AIR 1977 SC 2421	Court should ensure frivolous issues are not framed; only material issues should go to trial.

Example

Plaint: Plaintiff claims ₹1,00,000 from Defendant for non-payment of loan.

Written Statement: Defendant denies taking any loan.

Framed Issues:

1. Whether the defendant borrowed ₹1,00,000 from the plaintiff? (Issue of Fact)
2. Whether the suit is barred by limitation? (Issue of Law)
3. Whether the plaintiff is entitled to the decree as prayed for? (Mixed Issue)

Key Takeaways

- Framing of issues = foundation of the trial.
- Court must frame issues based on material disputes only.
- Judgment must contain findings on each issue.
- If issues are not framed properly, it may cause **miscarriage of justice** or **remand** in appeal.



FRAMING OF ISSUES UNDER CPC

"Issues" are the disputed questions of fact or law in a civil suit, which are necessary to determine after the completion of pleadings under Order 14 CPC.

TYPES OF ISSUES

ISSUES OF FACT	ISSUES OF LAW
Dispute on material facts Example: Whether the defendant trespassed on plaintiff's land?	Dispute on a legal question: Example: Whether the suit is barred by limitation?

PROCEDURE FOR FRAMING ISSUES

1. Pleadings are complete
2. Examination of parties
3. Consideration of admissions & denials
4. Issues are framed by the court

PURPOSE OF FRAMING ISSUES

- Identify matters in dispute
- Guide the evidence to be presented
- Narrow down the controversy
- Assist in determining judgment