

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 8674 of 2014**

**Date of Decision: 02.03.2016**

Mohinder Singh

... Petitioner(s)

Versus

Harbhajan Kaur and Another

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Shekher Dhawan.**

- |    |                                                                       |            |
|----|-----------------------------------------------------------------------|------------|
| 1. | Whether reporters of local newspapers may be allowed to see judgment? | <b>Yes</b> |
| 2  | To be referred to reporters or not?                                   |            |
| 3  | Whether the judgment should be reported in the Digest?                | <b>Yes</b> |

Present: Mr. Vikram Anand, Advocate  
for the petitioner(s).

Mr. G.S.Nagra, Advocate  
for respondent No.2.

**Shekher Dhawan, J.**

Present petition is challenge to the order dated 4.11.2014, passed by learned Civil Judge (Junior Division), Jalandhar, whereby application filed by petitioner/defendant No.1 for framing of additional issue was dismissed.

Learned counsel for the petitioner submitted that main suit was filed by the plaintiffs on the basis of natural succession of Pritam Singh, who was father of the plaintiffs and defendant No.1. In the

written statement, defendants had taken a specific plea that Pritam Singh did not die intestate, rather executed a legal/registered Will in favour of defendants No.1 & 2. But no issue was framed regarding legality and validity of the Will executed by Pritam Singh, whereas the evidence has already been led. So, for proper adjudication of the matter, petitioner had moved an application that issue regarding legality and validity of the registered Will be framed. But the Court below declined the said prayer.

Learned counsel for respondent No.2 submitted that issues were framed by the Court below in presence of counsel for the parties on 27.10.2012 and issue No.1 was already framed in this case to cover the entire controversy. The application has been filed at the stage when both the parties had already led their respective evidence and the case is at final stage of arguments. The application was filed just to delay the proceedings of the case; same is liable to be dismissed and the Court below has rightly dismissed the application.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that on the basis of pleadings, issues were framed by the Court below on 27.10.2012 in presence of counsel for both the parties. If there was any objection regarding format of framing of issues, objection should have been raised at that stage and not at the time of conclusion of the evidence of the parties when this case was at the final stage of arguments. More so, both the parties have already led their evidence on the basis of pleadings by way of plaint and written statement and there

is no question of framing of additional issue at this stage. The Court below has rightly taken the view that issue No.1 covers the proposed issue as well and the parties have already led their evidence on that point. There is no illegality in the order under challenge.

In view of above, present petition stands dismissed.

**(Shekher Dhawan)**  
**Judge**

**March 02, 2016**

"DK"