

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No. 1383 of 2017

Date of decision:- February 27, 2017

VED PARKASH AND OTHERS

....PETITIONERS..

VERSUS

KUSUM RANI AND ANOTHER

....RESPONDENTS..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Ishan Gupta, Advocate,
for the petitioners.

JASPAL SINGH, J. (Oral)

By virtue of instant civil revision petition preferred under Article 227 of the Constitution of India, the petitioners have sought setting aside of impugned order dated 02.12.2016 (Annexure P-5) passed by ld. Additional Civil Judge (Senior Division), Sunam, in Civil Suit No. 327, dated 21.11.2014, whereby an application moved by the petitioners/defendants for framing the additional issues has been dismissed.

2. Undoubtedly, the issues in this case were framed on 22.09.2015 arising out of the pleadings of the parties and an application for recasting of issues as well as framing of issues was moved on 27.11.2015, which has been declined by the trial court vide impugned order dated 02.12.2016 (Annexure P-5).

3. A glance at the pleadings of the parties and the plaint reveals that all the issues arising from the pleadings have not been framed by the ld.

trial court. There are certain specific issues regarding locus standi, maintainability, concealment of material facts as well as relationship of the parties besides that the suit is bad on account of non-joinder of necessary parties and the plaintiff is estopped by her own acts and conduct from filing the present suit. But all the issues which arise out of the pleadings of the parties are required to be framed. Needful be done after affording proper opportunity of hearing to the parties.

4. Accordingly, the impugned order is set aside and the ld. trial court is directed to carve out/re-frame the issues arising out of the pleadings of the parties.

February 27, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No