

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5040-2016

Date of Decision:- 24.07.2017

Manpreet Kaur

.....Petitioner

Versus

Harpal Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vijay Sharma, Advocate, for the petitioner.

Mr. S.K. Jain, Advocate, for the respondents.

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 227 of the Constitution of India for quashing of an order dated 16.07.2016, passed by learned Additional Civil Judge (Sr. Division), Rajpura, whereby an application, filed by the petitioner, for framing of additional issues has been dismissed.

Petitioner-plaintiff, being daughter of late Sadhu Singh, filed a suit for declaration claiming to be joint owner of the land in dispute to the extent of $\frac{1}{4}$ share on the basis of natural succession.

On 23.08.2012, the learned trial Court has framed the following issues: -

- “1. Whether the plaintiff is entitled for declaration as prayed for? OPP
2. Whether the plaintiff is entitled for permanent injunction as prayed for? OPP
3. Whether the suit is not maintainable as alleged? OPD

- 4. Whether the plaintiff has got no locus standi to file the present suit? OPD.
- 5. Relief.”

Thereafter, both the parties have led their evidence.

Learned counsel for the petitioner has placed reliance upon a judgment of this Court in Gursharan Singh Vs. Saravjot Singh and others, 2016(1) PLJ 338 whereby while allowing the petition it has been held that if the additional issues sought to be framed does not run counter to any of the original issues rather these issues are in consonance with the issue No.1 with a further elaboration, requiring the parties to lead specific evidence so as to facilitate the Court to dispose of the controversy in an effective manner.

Heard.

Applying the ratio of the above-said judgment, the present revision petition is allowed. Order dated 16.07.2016, passed by learned Additional Civil Judge (Sr. Division), Rajpura, is hereby set aside and the trial Court is directed to frame the following issue: -

“Whether Sadhu Singh executed unregistered Will dated 15.10.1990 in favour of defendant Nos.1 and 2? OPD”

Further, the trial Court shall conclude the suit after providing the necessary opportunities to the parties to lead evidence on the additional issue.

July 24, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No