

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

**CR No.1645 of 2019**

**Date of Decision : 18.12.2019**

Jagdish and others

.....Petitioners

Versus

Murti Devi and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. Mani Ram Verma, Advocate and  
Mr. Nipun Verma, Advocate  
for the Petitioners.

Mr. Surinder Gandhi, Advocate  
for Respondents No.1 to 5.

**SUDIP AHLUWALIA, J. (ORAL)**

Admittedly, the Petitioners are Defendants in the original Partition Suit. That they are Co-sharers, is not the case of the Plaintiffs. Undoubtedly, therefore, they can seek partition *qua* their own share in the Suit Property as a whole. It is also well settled that issues in a Suit can be recast or reframed at any stage.

2. In such circumstances, this Court is of the opinion that the Ld. Trial Court fell into an error by rejecting application of the Petitioners for framing an additional issue regarding their alleged entitlement to partition of their own share in the Suit Property, notwithstanding that such Application has been filed at a belated stage.

At the most, the Plaintiffs/Respondents could at that stage, have been compensated by way of compensation/monetary costs, which was however not done.

3. The present Revision Petition is, therefore, allowed after setting aside the impugned order and directing the Ld. Trial Court to incorporate the additional issue mentioned in the Petitioners' Application (Annexure P-2) and thereafter, continue with trial of the Suit in accordance with law.

4. The Petitioners shall pay a cost of Rs.1500/- to the contesting Respondents on the next date to be fixed in the Ld. Trial Court.

5. The Ld. Court below is further directed to endeavour to complete the trial as expeditiously as possible and preferably within three months after resuming the evidence from the stage it has been left.

**December 18, 2019**

**(SUDIP AHLUWALIA)  
JUDGE**

**Dpr**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No