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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/4/2019 12:38
I attest to the accuracy and
authenticity of this document

CR-2636-2019 (O/M)
Date of decision : 29.4.2019

Prem Singh and another Petitioner (s)

Versus

Kaka Singh (now deceased) through LRs Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Chandeeep Singh, Advocate,
for petitioners.

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KULDIP SINGH, J. (ORAL)

Heard.

In an application under Order IX Rule 13 CPC, 1908, filed by present petitioner for framing additional issue as to whether applicant Surjit Kaur, wife of Kaka Singh and consequently LR and competent to file application, the Court refused to frame additional issue on said point on the ground that issue regarding non maintainability of application was already framed and this fact will be covered under issue No. 2, and separate issue not be framed separately.

I am of the view that proceedings are under Order IX Rule 13 CPC, 1908. The trial Court was justified in refusing to frame specific issue on said point whether Surjit Kaur is wife of deceased Kaka Singh. The grievance of petitioner as to whether Surjit Kaur is wife of deceased Kaka Singh or not, shall be dealt with and decided under issue No. 2. There is no ground to interfere in impugned order. Thus, revision is dismissed.

(KULDIP SINGH)
JUDGE

29.4.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No