

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 112

Civil Revision No.3243 of 2019
Date of Decision: May 16, 2019

Amandeep Kaur

..... PETITIONER

VERSUS

Baldev Singh & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

. . .

PRESENT: - Mr. Rakesh Gupta, Advocate, for the petitioner.

. . .

Kuldip Singh, J (Oral)

Learned counsel contends that petitioner has filed a suit for declaration to the effect that she and respondent Nos.4 to 6 are owners to the extent of 1/5 share each in the suit land. They have also challenged the Will dated 14.04.2001 executed by Ranjit Singh, deceased father of plaintiff and respondent Nos.4 to 6. They have also challenged agreement dated 10.11.2004. However, the Trial Court framed the general issue, as to whether the plaintiff is entitled for grant of declaration as prayed for?' and no issue regarding the Will and agreement has been framed. An application filed to frame the specific issue has been dismissed.

Heard.

I have gone through the case. It comes out that since Will and agreement are challenged, specific issues regarding the same are required to be framed. The framing of general issue as to whether the plaintiff is entitled for grant of declaration as prayed for? is not sufficient.

As such, without issuing notice to the opposite party, impugned order is set aside. The Trial Court is directed to hear both the parties and frame specific issues which are material for the decision of the case.

Disposed of.

May 16, 2019
avin

(Kuldip Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No