

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

CR No.5483 of 2019

Date of decision: 17.09.2019

Dharam Singh and others

...Petitioners

Versus

Piara Singh and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Rupinder Kaur Thind, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 18.10.2018 passed by the Civil Judge (Junior Division), Chandigarh, whereby application filed by defendants-respondents under Order 14 Rule 1, 3, 5 and Section 151 CPC has been allowed and issues have been reframed.

A perusal of the impugned order shows that a specific stand has been taken by the defendants in the written statement that plaintiffs are neither owner nor in possession of the land in dispute.

Learned counsel for the petitioners while referring to the written statement contends that defendants have admitted that names of the plaintiffs are reflected in the Jamabandi for the year 1979-80 and this jamabandi has not been changed by the revenue authorities for the last many years. In this backdrop, plaintiffs are not required to lead any evidence with respect to their possession over the suit property and hence, the additional

issues should not have been framed by the trial Court vide impugned order

dated 18.10.2018.

This argument is liable to be rejected because in the preliminary objections itself, defendants have specifically denied that neither the plaintiffs are owner nor in possession of the land in dispute. Further, a perusal of the order dated 06.10.2006 shows that consequent upon an application filed under Order 39 Rules 1 and 2 CPC, defendants have been restrained from raising further construction. The defendants are bound by this order. Keeping in view that ownership and possession of plaintiffs has been denied by the defendants in their written statement, additional issues have been rightly framed by the trial Court.

Resultantly, no ground is made out to interfere in the impugned order.

Dismissed.

17.09.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No