

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

115

CR-7086-2018

Date of decision: 21.07.2022

HARDEV SINGH

..Petitioner

Versus

KANWALJIT KAUR AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Khunger, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The prayer for recasting the issues has been declined by the trial Court vide order dated 03.10.2018. A suit for grant of decree of declaration to the effect that the plaintiff is the owner of her share in the suit property has been filed. By now, both the parties have led their evidence. The Court frame out issues in order to inform the parties about the points on which there is disagreement and evidence is required to be led. While framing issues, the Court also informs that the onus of proof thereof, falls on which party. Thus, guiding the parties with regard to their responsibilities. In fact, framing of issues is an important step which is usually overlooked by the Court. As per the Code of Civil Procedure, 1908, a distinct and separate issue of every fact and law asserted by one party and denied by other party is required to be framed. However, the Court must do so, at the very initial stage. The trial of the suit, in the present case, is already at the fag end. Only the arguments are required to be addressed. However, the Court has the authority to recast the issues even while passing the final judgment.

In this case, notice of motion was issued only with respect to

the correctness of issue No.3, whereby, a negative onus has been placed upon the defendant.

Keeping in view the aforesaid situation, the revision petition is disposed of with an expectation that the Court while deciding the case shall take note of the observations made above.

All the pending miscellaneous applications, if any, are also disposed of.

July 21th, 2022
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No