

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

149

2023:PHHC:125832

**CR-1203-2023(O&M)
Date of decision: 25.09.2023**

JAIMAL SINGH

..Petitioner

Versus

SARBJEET KAUR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Sirphikhi, Advocate
for the petitioner.

Mr. G.S. Goraya, Advocate
for respondent No.1 to 5.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a defendant No.9 in a pending suit for grant of decree of declaration that the plaintiffs are co-sharers in the property. In the suit, the plaintiffs have already concluded their evidence and the defendants have also led substantial part of their evidence. At the advanced stage of the suit, an application filed by the petitioner to treat issue No.4 as the preliminary issue, has been dismissed by the trial Court. The correctness of the aforesaid order has been challenged in this revision petition.

2. The learned counsel representing the petitioner contends that issue No.4 is a legal issue, which can be decided without leading evidence.

3. This Court has considered the submissions of the learned counsel representing the petitioner.

4. The case is already at the advanced stage of the pendency of the suit. In such circumstances, the trial Court in its discretion has held that the aforesaid issue shall be decided while deciding the main case.

5. In these circumstances, no ground to interfere is made out.

6. Dismissed accordingly.
7. All the pending miscellaneous applications, if any, are also disposed of.

September 25th, 2023
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(ANIL KSHETARPAL)
JUDGE

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