

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

134

2024:PHHC:005702

CR-237-2024

Date of decision: 16.01.2024

BALRAJ AND ORS

..Petitioners

Versus

NAFE SINGH (DECEASED) THROUGH LRS

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Chaudhary, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the defendant in a plaintiff's suit for grant of decree of declaration, joint possession with the consequential relief of permanent injunction. On examination of pleadings, the Court culled out the issues and proceeded to decide the suit on 29.10.2015. The suit was decreed. The defendant filed the first appeal which was allowed by the Court and case was remitted back to the trial Court for deciding the matter afresh. After receipt of the file, the trial Court culled out the following additional issues for adjudication:-

*"1. Whether the suit property is ancestral property or not?
2. Relief."*

2. The defendant filed an application for framing a distinct issue with regard to the plaintiff's allegations of judgment and decree dated 18.07.1991, being illegal and claiming it to be a result of fraud. The trial Court dismissed the defendant's application on the ground that the existing issues, that have already been framed, cover the proposed issue. The correctness of the aforesaid order has been challenged in this revision petition. The learned counsel representing the petitioners submits that the

Court should have framed additional issues so that the matter is decided once for all.

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

4. The trial Court has already observed that there is no requirement of framing an additional issue or distinct issue because under the existing issues, the matter can be decided in a wholesome manner. The issues are framed only to inform the parties with regard to the points on which the evidence is required to be led for proving their side of the case.

5. In this case, the suit is pending for the last 14 years. The parties are represented by their respective counsels. They are aware of the issues involved in the present case.

6. Once, the trial Court has observed that the existing issues already framed would be sufficient to decide the controversy in a holistic manner, this Court does not find it appropriate to interfere in exercise of revisional jurisdiction.

7. Dismissed accordingly.

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

January 16th, 2024

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No