

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

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2024:PHHC:032383

**CR-2455-2023 (O&M)  
Date of decision: 06.03.2024**

**JARNAIL SINGH (DECEASED) THROUGH LRS ..Petitioner**

**Versus**

**LAIK RAM AND OTHERS**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Dhruv Chowfla, Advocate  
for the petitioner.

Mr. Ravi Gakhar, Advocate  
for respondent No.1 and 2.

Mr. Akash Yadav, Advocate  
for respondent No.3.

**ANIL KSHETARPAL, J(Oral)**

1. This revision petition has been filed by the plaintiff to challenge the correctness of the trial Court's order culling out a distinct issue on the basis of a Will set up by the defendants. In this case, the dispute is with regard to the succession to the property left behind by Sh. Basta Singh. The plaintiff as well as defendants are children of Sh. Basta Singh. The defendants while filing the written statement has claimed that Sh. Basta Singh bequeathed the property in his favour by Will dated 29.08.2002. Originally, the plaintiff's suit was decreed on 30.05.2016, however, in appeal, the Appellate Court remanded the case back to the trial Court as it was found that findings on issue No.5 to 7 have not been given. The First Appellate Court permitted the trial Court to frame proper distinct issues on the basis of the Will. Order XIV Rule 1 of the Code of Civil Procedure, 1908, mandates the Court to frame distinct issue on each material proposition affirmed by one party and denied by other. The plaintiff denies the existence of the Will, whereas, the defendants claim that they have

inherited the property on the basis of the Will. Hence, the distinct issue is necessary.

- 2. Finding no merits, the revision petition is dismissed.
- 3. All the pending miscellaneous applications, if any, are also disposed of.

March 06<sup>th</sup>, 2024 (ANIL KSHETARPAL)  
Ay JUDGE

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