

2024:PHHC:084542



S. No.126

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

CR No.3773 of 2024

Date of Decision:09.07.2024

Surinder Singh through his LR

.....Petitioner

Vs.

Rajinder Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rahul Jaswal, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Petitioner is the defendant before the trial Court in Civil Suit No.216/17 titled as "Rajinder Singh Vs. Surinder Singh"(Annexure P.1). The suit was filed for possession by way of partition. During the proceedings, defendant moved an application for framing of an additional issue for raising the objection of partial partition. The application has been dismissed by way of the impugned order dated 10.05.2024 (Annexure P.6).

Learned counsel for the petitioner has drawn attention towards copy of the written statement (Annexure P.2) wherein preliminary objection No.4 has been taken stating therein that the partition is partial as plaintiff has not mentioned Khasra No.10//16 in which the plaintiff had raised construction of the residential house. Only because the word "*partial*" has been clerically mentioned as "*parcel*", the trial Court has observed that no such objection was raised.

Having noticed the preliminary objection taken by petitioner-defendant in his written statement, I allow this petition. Direction is given to the trial Court to frame additional issue regarding the partial partition and proceed



further in accordance with law. Since this order has been passed without issuing any notice to the respondent-plaintiff, therefore, the said respondent shall be at liberty to approach this Court in case he is aggrieved. The order has been passed in order to avoid the unnecessary delay.

July 09, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No