



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.83 of 2019 (O&M)

Date of Order:17.02.2025

Harish and others

.Petitioners

Versus

Satyapal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate
for the petitioners.

Mr. Pritam Singh Saini, Advocate
Ms. Vamika Johar, Advocate
Ms. Parul Panchal, Advocate
for the respondents.

ANIL KSHETARPAL, JUDGE (Oral)

1. The petitioners have filed a suit for possession by way of partition with consequential relief of permanent injunction which is pending before the trial court.

2. On 09.04.2018, the trial court culled out the following issues:-

- i) *Whether the plaintiffs are entitled to the decree of possession by way of partition in respect of suit property?OPP*
- ii) *Whether plaintiffs are entitled for a decree of permanent injunction as prayed for?OPP*
- iii) *Whether the suit of the plaintiffs are not maintainable in the present form?OPD*
- iv) *Whether the plaintiffs have not come with clear hands*



and have concealed true and material facts from the court?OPD

v) *Whether the plaintiffs have no cause of action to file the present suit?OPD*

vi) *Whether the suit of the plaintiffs is bad for non joinder and mis joinder of necessary and unnecessary parties?OPD*

vii) *Whether the plaintiffs have not affixed the proper court fee?OPD*

viii) *Relief.”*

3. Subsequently, on an application filed by the defendants, the trial court on 10.12.2018, culled out the following additional issues:-

“2(a) Whether the ancestors of plaintiffs and defendants no.5 and 6 had mutually exchanged their properties i.e. old abadi area and Khasra no.84 to 86, 120, 121 as pleaded in written statement filed by defendants no.5 and 6, if so tow hat effect?OPD

2(b) Whether defendants no.5,6,25 and 26 have been continuously residing in the above said khasra numbers as absolute owners in possession on the basis of oral exchange, if so, to what effect?”

4. The learned counsel representing the petitioners contends that the issues already framed on 09.04.2018 are comprehensive issues which encompasses the entire case, hence the additional issues had wrongly been framed when the case was at the stage of rebuttal evidence.



5. This court has considered the submissions of the learned counsel representing the parties.

6. Order 14 Rule 1 CPC provides that a material proposition of facts or law which is affirmed by one party and denied by other gives rise to issue. Each material proposition affirmed by one party and denied by other shall form the subject matter of a distinct issue. The issues are not required to be framed on the basis of various prayers made in the suit. On 09.04.2018, the trial court framed the issues only on the basis of various prayers made in the suit and the preliminary objections taken by the defendants in their written statement. The points which require adjudication in the suit are required to be culled out while framing issues. Thus, the trial court has not erred in culling out the issues on material proposition.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

February 17, 2025
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**