



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

CR-7468-2025

DECIDED ON: 29.10.2025

INDER SAIN (SINCE DECEASED) THR. LRS. AND ORS.

.....PETITIONERS

VERSUS

RAM BHAGWAN AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Ms. Rahish Pahwa, Advocate and
Mr. Saksham Dudeja, Advocate
for the petitioners.

MANDEEP PANNU, J (ORAL)

1. This revision petition under Article 227 of the Constitution of India has been filed by the petitioners–defendants No.3 to 6 seeking to set aside the impugned order dated 25.09.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, whereby their application under Section 151 CPC for framing of additional issues has been dismissed.

2. Briefly stated, the facts are that respondent No.1–plaintiff instituted a civil suit titled as ‘*Ram Bhagwan versus Kuldip Singh and others*’ seeking a decree for separate possession by way of partition by metes and bounds and for permanent injunction, claiming himself to be a co-sharer with the defendants in the joint property descending from a common ancestor. The petitioners–defendants entered appearance and filed written statement raising various preliminary objections regarding maintainability of

the suit, valuation, court fee, ouster, and partial partition, besides contesting the claim on merits.

3. Upon completion of pleadings, the trial Court framed the following issues for adjudication:

1. *Whether the plaintiff is entitled to the relief of separate possession by way of partition by metes and bounds, as prayed for? OPP*
2. *Whether the plaintiff is entitled to the relief of permanent injunction, as prayed for? OPP*
3. *Whether the suit of the plaintiff is not maintainable? OPD*
4. *Whether the suit of the plaintiff is barred by time? OPD*
5. *Whether the suit is bad for non-joinder of necessary parties? OPD*
6. *Relief.*

4. Thereafter, the case was fixed for evidence. Both sides led oral and documentary evidence, and the case was listed for final arguments on 04.08.2025. At that stage, the petitioners–defendant Nos.3 to 6 noticed that certain preliminary objections taken in their written statement had not been reflected in the framed issues. Accordingly, they moved an application dated 26.08.2025 under Section 151 CPC praying for framing of additional issues, to which the plaintiff–respondent filed a reply dated 04.09.2025.

5. In the said application, the petitioners prayed for framing of the following additional issues:

6. *Whether the suit is for partial partition, if so, its effect? OPD*
7. *Whether the suit is barred by the principle of ouster? OPD*

8. *Whether the suit is not properly valued and proper court fee is not paid? OPD*

9. *Whether the plaint is liable to be rejected under Order 7 Rule 11 CPC for not paying proper court fee as per the market value of the property? OPD*

10. *Relief.*

6. The learned Trial Court, after hearing counsel for both sides, dismissed the said application vide impugned order dated 25.09.2025, holding that the pleas raised by the defendants in the proposed additional issues already fall within the ambit of Issue No.3 relating to maintainability of the suit. The Court further observed that all such legal objections, partial partition, ouster, valuation, sufficiency of court fee and rejection of the plaint under Order 7 Rule 11 CPC, go to the root of maintainability and can conveniently be adjudicated under the existing issue. Accordingly, the learned Court held that framing separate issues on the same objections would not add clarity and might only multiply the issues. The Court, however, clarified that the defendants shall have full opportunity to advance arguments on all such pleas at the stage of final hearing, and consequently, the application was dismissed.

7. Aggrieved, the petitioners have approached this Court contending that the learned Trial Court has not appreciated the matter in its proper perspective. It is urged that each of the proposed additional issues raises a distinct and specific question of law and fact which cannot be subsumed under the general expression “maintainability.” The plea of partial partition involves factual inquiry as to whether the plaintiff has included all joint properties or has omitted some to the prejudice of the defendants.

Similarly, the plea of ouster raises a distinct issue as to whether the plaintiff

has been excluded from possession for a period sufficient to extinguish his right, which requires independent adjudication on evidence. Likewise, valuation and court fee are separate legal issues dependent on distinct factual parameters, and rejection of plaint under Order 7 Rule 11 CPC is a legal consequence which cannot be inferred unless a specific issue is framed. It is contended that by refusing to frame these additional issues, the learned Trial Court has curtailed the defendants' right to a proper and comprehensive adjudication of their objections and that the clarification recorded in the impugned order cannot substitute the framing of issues required under Order 14 Rule 1 CPC.

8. The matter being limited in scope and involving a short question of law, no notice was considered necessary to be issued to the respondent.

9. I have heard learned counsel for the petitioners and perused the record carefully.

10. It is well settled that the object of framing issues under Order 14 Rule 1 CPC is to pinpoint the material propositions of fact or law which are in dispute between the parties, so that the evidence may be confined to those points. An issue must be framed whenever a material proposition of fact or law is affirmed by one party and denied by the other. The Court, while framing issues, is not expected to multiply them unnecessarily, yet it cannot omit to frame an issue where a specific plea of fact or law is raised which requires distinct adjudication.

11. In the present case, the pleadings clearly disclose that the petitioners–defendants have raised objections on several distinct aspects: (a) that the suit is one for partial partition; (b) that the plaintiff has been ousted

and, therefore, the claim is barred by ouster; (c) that the suit is not properly valued and proper court fee has not been paid; and (d) that the plaint is liable to be rejected under Order 7 Rule 11 CPC. Each of these pleas involves a separate inquiry and determination, either on facts or on law.

12. The plea of partial partition, for instance, necessitates an examination of the property details and whether all joint properties have been included, which is a factual question not subsumed in a general maintainability issue. The plea of ouster pertains to long, exclusive possession by certain co-sharers adverse to others and has its own legal consequences. The objections as to valuation and court fee are matters of law governed by the Court Fees Act and Suits Valuation Act and must be determined independently. Likewise, rejection under Order 7 Rule 11 CPC is a separate legal issue requiring the Court to examine whether the plaint discloses a cause of action or whether it is properly stamped. These aspects cannot be conveniently decided under a single omnibus issue without specific adjudication.

13. In these circumstances, this Court is of the opinion that the learned Trial Court was not justified in declining the petitioners' prayer for framing of additional issues. The reasoning that all the proposed issues can be subsumed under "maintainability" does not appear sound in view of the settled principle that whenever a distinct plea of fact or law arises from the pleadings, it must find reflection in the issues to avoid prejudice and to ensure clarity in adjudication.

14. Consequently, the impugned order dated 25.09.2025 passed by the learned Civil Judge (Junior Division), Ludhiana, cannot be sustained and

is set aside. The application filed by the petitioners–defendant Nos.3 to 6 under Section 151 CPC for framing of additional issues is allowed.

15. The civil revision petition is accordingly allowed, in the aforesaid terms.

16. All pending miscellaneous application(s), if any, stands disposed of.

29.10.2025

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No