



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

204**CR-1300-2025 (O&M)****Date of Decision: 06.05.2026****RAMANPREET KAUR ALIAS JYOTI**

...Petitioner

V/s

AMANPREET SINGH AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Brijender Kaushik, Advocate,
for the petitioner.

Mr. Vipul Aggarwal, Senior Panel Counsel
for respondent No.1.

VIKRAM AGGARWAL, J. (ORAL)

The instant petition, preferred under Article 227 of the Constitution of India, assails order dated 20.01.2025 (Annexure P-6) passed by the Court of Civil Judge (Senior Division), Ambala vide which the application (Annexure P-4) filed by the petitioner/plaintiff for framing of additional issue and amendment/correction in issue No.1 was dismissed.

2. The facts, as emanating from the revision petition are that a suit (Annexure P-1) was instituted by the petitioner against her brother, mother and the subsequent purchaser of land and residential property (fully described in the plaint) situated in District Ambala and Pinjore, District Panchkula. She sought a declaration that she was the joint owner in possession to the extent of 1/3rd share in the suit property. A declaration was also sought that the Will dated 26.08.2002 alleged to have been executed by the father of the petitioner namely Harjinder Singh was a forged and fabricated document and the mutation sanctioned on the basis of the said Will was illegal and void.

3. The suit was opposed by way of a written statement (Annexure P-2) in which it was duly stated that the Will dated 26.08.2002 had been

4. On the pleadings of the parties, issues were framed vide order dated 21.01.2017 (Annexure P-3), wherein the first issue was as to whether the plaintiff was entitled to a decree for declaration.

5. An application (Annexure P-4) was moved by the petitioner under Order 14 Rule 5 CPC for framing of additional issues as regards the execution of Will and amendment of issue No.1 wherein instead of a decree for declaration, a suit for declaration had been mentioned. Proposed issues were given in paragraph 6 of the application, which are reproduced as under:-

“1-A. Whether late Sh. Harjinder Singh @ Gurcharan Singh died inestate. If so, its effects ? OPP

1-B. Whether late Sh. Harjinder Singh @ Gurcharan Singh during his lifetime executed the Will dated 26-08-2002 ? if so, its effects ? OPD

1-C. Whether the defendant No.1 was legally competent to sell the land situated at village Thaska Ali Ka vide sale deed No.3320 on 23-03-2006 to defendant No.3. ? If so its effects? OPD

1-D. If it is proved that the land situated at village Thaska Alia has been sold by the defendant No.1 to defendant No.3 wrongly & illegally without any right, title & authority, then whether the sale deed No.3320 registered on 23-3-2006 is liable to be set aside?OPP

1-E. Whether the land situated at village Konpur Tehsil and District Ambala was purchased by defendant No.1 from the joint funds of the family of the plaintiff and defendant No.1 & 2, if so, its effects ? OPP”

6. It was also prayed that issue No.1 be suitably corrected.

7. The application was opposed by way of a reply (Annexure P-5) wherein the stand as taken in the written statement was taken.

8. By way of the impugned order, the application for framing of additional issue/s was dismissed on the ground that all issues proposed by

framed on 21.01.2017, which has led to the filing of the present petition.

9. I have heard learned counsel for the petitioner.
10. Learned counsel for the petitioner submits that though issue No.1 pertained to the relief of declaration sought by the petitioner/plaintiff, since there is an issue of the genuineness of the Will, a specific issue in that regard should have been framed. In so far as the correction of issue No.1 is concerned, the same is only a formal correction and the Court, while deciding a suit shall definitely decide as to whether a decree of declaration is to be granted or not.
11. Learned counsel does not press as regards framing of other issues as proposed in the application.
12. I have considered the submissions made by learned counsel for the petitioner. No doubt, issue No.1 pertained to declaration sought by the plaintiff. However, where the issue is of the Will, it is always in the interest of justice that a separate issue is framed as it is on the propounder of the Will to initially prove the execution of the Will. In order to avoid complications at a later stage, the trial Court should have framed the additional issue at least as regards the Will.
13. That being so, the present revision petition is disposed of with a direction to the trial Court to frame a specific issue as regards the Will dated 26.08.2002. Since the matter is stated to be pending for plaintiff's evidence, parties would be free to lead evidence in accordance with law as regards the said issue as well.
14. The revision petition is accordingly disposed of.
15. Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

May 06, 2026
Mani Kumar