



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

129

CR-2911-2026

Date of decision: 06.04.2026

Sunil Kumar

...Petitioner

Versus

Nirmala Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Manu Loona, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India, 1950, seeking setting aside the impugned order dated 01.11.2025 passed by the learned Civil Judge (Jr. Divn.), Abohar (Annexure P-6), whereby the learned Court has disposed of the application filed by the petitioner under Order XIV Rule 5 CPC (Annexure P-4) for framing of an additional issue in Civil Suit bearing No. CS/803-2023 titled as “Sunil Kumar vs. Smt. Nirmala Devi and others.”

2. The brief facts of the case are that the petitioner had filed a civil suit for declaration, claiming to be the owner in possession of the suit property, as mentioned in the plaint, along with a consequential relief of permanent injunction against respondent No.1–Nirmala Devi and others. Upon notice of the said suit, respondents No.1 to 4 appeared and filed their written statement. Thereafter, on the basis of the pleadings of the parties, as many as seven issues, including the relief issue, were framed by the learned trial Court vide order dated 09.04.2024. Thereafter, learned counsel for the petitioner moved an application under Order XIV Rule 5 CPC for framing



of an additional issue to the effect that “Whether the Will dated 15.06.2002 is a bogus, forged and fabricated document? OPD”. While disposing of the said application, learned counsel for the petitioner contended that as per the written statement filed by the respondents, they had specifically taken a plea that the Will, as alleged by the plaintiff in the plaint, is a bogus and false document, prepared by the plaintiff in connivance with the attesting witnesses, and therefore, a specific issue to that effect ought to have been framed by the learned trial Court, with the onus to prove the same should have been shifted upon the respondents. However, the learned trial Court was not inclined to accept the submissions made on behalf of the petitioner and observed that at the time of reframing of issues, a specific issue had been framed vide order dated 01.11.2025, i.e., “Whether the Will dated 15.06.2022 is a genuine Will?”

3. Learned counsel for the petitioner submits that the learned trial Court has once again failed to frame the proper issue in accordance with the application filed by the petitioner/plaintiff. It is, therefore, contended that the impugned order is liable to be set aside and an additional issue be framed in terms of the application moved by the petitioner/plaintiff.

4. Considering the limited nature of relief sought, issuance of notice to the respondents is dispensed with, as the same would only result in further delay in the proceedings.

5. I have heard learned counsel for the petitioner and have perused the paper book with his able assistance.

6. Since the onus to prove the issue lies upon the petitioner who is required to establish the same by leading evidence, there is no necessity to frame any additional issue, i.e., “Whether the Will dated 15.06.2002 is a



bogus, forged and fabricated document,”. The parties are at liberty to lead their respective evidence with respect to issue No.3 already framed by the learned trial Court vide order dated 01.11.2025.

7. In view of the aforesaid discussion, no illegality or perversity is found in the impugned order dated 01.11.2025 so as to warrant interference by this Court. Accordingly, the present revision petition stands dismissed.

8. Pending applications, if any, shall stand disposed of.

April 06, 2026
anil

(AMARINDER SINGH GREWAL)
JUDGE

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