

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:045753



(139)

SAO-51-2024 (O&M)
Decided on : 03.04.2025

Bikramjit Singh (since deceased) through his LRsAppellants

Versus

Amritpal Singh & othersRespondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.Amandeep Saini, Advocate, for the appellants.

Mr.Karan Bhardwaj, Advocate

Mr.Jasbir Singh Mohri, Advocate, for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. Defendant No.3, through his LRs assailed the correctness of First Appellate Court's order dated 30.08.2024, remitting the matter to the Trial Court for fresh decision.

2. Plaintiff, namely, Amritpal Singh filed a suit for declaration that he continues to be a joint owner in joint possession of the property alongwith defendant No.1. He impleaded his brother, Ravinder Pal Singh, Jagdeep Kaur (wife of his brother), Bikramjit Singh and Punjab Urban Development Authority, Mohali. The suit was partly decreed with respect to House No.1528, Phase 3B2, Mohali.

3. Plaintiff filed the First Appeal. The Appellate Court found that the proper issues have not been framed by the Trial Court. Hence the following additional issues were framed:

“1A- Whether Smt. Surinder Kaur, out of her free will and volition, executed a legal and valid Will dated 30.12.1997 in favour of her husband Sant Singh in her sound & disposing state of mind? OPD1

1B- Whether Sh. Sant Singh, out of his free will and volition, executed a legal and valid Will dated 11.01.1999 in favour of his son Ravinderpal Singh, in his sound & disposing state of mind? OPD1”

4. The Court further found that during the pendency of the appeal, Ravinder Pal Singh sold the property. The Court directed to amend the plaint so as to give opportunity to the subsequent vendees to contest the case.

5. Learned counsel representing the appellants contends that the Court was not required to remit the matter back to the lower Court on framing additional issues. He further submits that subsequent vendees are governed by rule of *lis pendens* and hence they are not necessary parties.

6. This Court has considered the submissions. From the additional issues, it is evident that the Trial Court failed to frame proper issues. In fact, the Trial Court on 04.01.2013 framed the following issues:

*“1) Whether the plaintiff is entitled to declaration as prayed for?
OPP*

2) Whether the plaintiff is entitled to permanent injunction as prayed for? OPP

3) Whether the plaintiff has concealed the material facts from the court? OPD

4) Relief.”

7. As per Order 14 CPC, the issues are not required to be framed on the basis of the prayer made in the suit or preliminary objections taken by the defendants. The issues are the points which arise for adjudication before the Court. Each material proposition of fact and law asserted by one party and denied by other is required to form part of separate and distinct issues.

8. Moreover, it is always appropriate to hear the subsequent vendees so as to enable the Court to pass a comprehensive order, after hearing all the parties.

9. Hence, no ground to interfere in the impugned order dated 30.08.2024 is made out. Consequently, the present revision petition is dismissed.

April 3, 2025
sailesh

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No