

Ishar Dass (deceased) through LRs and Ors. Vs
Sukhdev and Ors.

RSA No. 159 of 2024

06.05.2026

Present: Mr. Ajay Sharma, Senior Advocate, assisted by
Mr. Tarun K. Brakta, Advocate, for the
appellants.

Mr. Mohit Jaitak, Advocate, (joined through
VC) for respondents No. 2(b) to 2(d).

None for respondents No. 1, 2(a) and 9.

CMP No. 22815 of 2024

With the consent of the parties, the application
is disposed of, by directing the parties to maintain
status quo, as it exists today on the spot.

RSA No. 159 of 2024

After hearing learned counsel for both the
parties for some time, this Court is of the view that the
present appeal is required to be admitted, on the
following substantial questions of law:-

- “1. Whether judgments and decrees as passed by the courts stand vitiated on account of non framing of issues, particularly with respect to plea as is taken by defendants qua suit being barred as per section 57 of the HP Holdings (Consolidation and Prevention of Fragmentation) Act, 1971?*
- 2. Whether suit as filed by the plaintiff being hit by Section 11 of CPC, resjudicata and contrary findings recorded by the court vitiated impugned judgments and decrees?*
- 3. Whether suit as filed being hit by provisions of Order 2 Rule 2 CPC and the impugned judgments and decrees rendered by the court being without adverting to said*

aspect of the matter, thereby vitiating the impugned judgment and decrees?"

Ordered accordingly.

List as per its turn.

(Virender Singh)
Judge

06th May, 2026
(Pranod Kumar)