

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

RSA No.3942 of 2009(O&M)

Date of Decision: 16.07.2015

Harbhajan Singh @ Bhajan Singh

... Appellant

Versus

Chaman Lal

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rajinder Goyal, Advocate,
for the appellant.

Mr. KG Chaudhary, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Learned counsel for the parties are *ad idem* that there has been no adjudication of the controversies involved in the case on merits while the plaintiff's suit was dismissed as barred by res judicata by the trial Court. The findings were reversed by the learned Additional District Judge, Kaithal vide order dated 18.5.2009 without returning findings on the issues framed by the trial Court. In order to overcome this lacuna and defect in the proceedings, the only way to do justice with the parties is to remand the matter to the trial Court. Trial Court to return findings on all the issues including res judicata. Since the evidence has already been adduced by the parties, the trial Court would endeavour to conclude the suit expeditiously.

Consequently, the appeal is allowed. Both the judgments and decrees of Courts below are set aside. The case is remanded to the trial Court. Parties to appear before the trial Court on 3.8.2015.

16.07.2015

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I attest to the accuracy and
authenticity of this document
Chandigarh

**(RAJIV NARAIN RAINA)
JUDGE**