

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

**RSA No.4947 of 2013 (O&M)
Date of decision: 02.02.2015**

Karnail Singhn(deceased) through LR &
another

... Appellants

Vs.

Paramjit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S.D.Sharma, Senior Advocate with
Ms. Bindu Goel, Advocate
for the appellants.

Mr. Amarjit Markan, Advocate
for the respondent.

AMIT RAWAL J (ORAL)

C.M.No.984-C-2015

Learned counsel for the appellants seeks permission of
this Court to withdraw the present application.

Dismissed as withdrawn.

C.M.No.1033-C-2015

Learned counsel for the applicant-appellants does not
wish to press the present application.

Dismissed as withdrawn.

RSA No.4947 of 2013 (O&M)

After arguing for some time, learned counsel for the

parties are *ad idem* that the judgment and decree of the lower Appellate Court deserves to be set aside and the matter be remanded back to the lower Appellate Court as it has not rendered the finding being last Court of fact and law, strictly as per provisions of Order 41 Rule 31 CPC as well as in view of the provisions of Section 96 of the CPC. The lower Appellate Court was enjoined upon obligation to refer and rely upon to all the oral and documentary evidence in order to render the decision.

The impugned judgment and decree of the lower Appellate Court is, thus, set aside and as per provisions of Order 41 Rule 23 CPC, the matter is remitted/remanded back to the lower Appellate Court to decide the appeal afresh filed by the respondent/plaintiff.

Parties are directed to appear before the District Judge, Sangrur on 20.02.2015.

It is hoped and expected that the matter be decided as expeditiously as possible preferably within a period of two months from the date of receipt of certified copy of this order.

Accordingly, the appeal is disposed of.

(AMIT RAWAL)
JUDGE

February 02, 2015
savita