

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

RSA No.4974 of 2011 (O&M)

Date of decision:8.4.2016

Bhalle Ram and others

....Appellants

VERSUS

Siya Ram and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.N. Lohan, Advocate
for the appellants.

Mr. Manoj Sharma, Advocate for
Mr. Amit Khatkar, Advocate
for respondents No.1 to 4, 6 to 8.

REKHA MITTAL, J.(Oral)

The present appeal lays challenge to the judgment and decree dated 19.08.2011 passed by the Additional District Judge, Jind, allowing the appeal of the respondent/plaintiffs and decreeing their suit for partition of the suit property.

Counsel for the appellants has submitted that the Appellate Court has reversed the findings recorded by the trial Court without appreciating that the respondent/plaintiffs have given up their claim against defendants No.3 and 8 namely Smt. Dharmo and Smt. Sunehri, despite the fact that they were alleged to be joint owners in the suit land.

Counsel for the parties are ad idem that the appeal may be allowed, the judgments and decrees passed by the Courts below be set aside and the matter be remitted to the trial Court for decision of the suit afresh after effecting service upon respondents No.3 and 8 by treating them as a party in the suit on array of defendants.

In view of the above, the appeal is allowed, the judgments and decrees passed by the Courts below are set aside and the matter is remitted to the trial Court for decision of the suit afresh after treating defendants No.3 and 8 to be parties in the suit on array of defendants and effecting service upon them.

The parties through their counsel are directed to appear before the trial Court on 23.05.2016.

Original records be returned.

APRIL 8, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE