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

**RSA-2585-2012 (O&M)
Date of decision : 29.04.2016**

Gram Panchyat

...Appellant

Versus

Dalel and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Mr. Baldev Singh Dhilon, Advocate
for respondent No.1.

Mr. D.K. Mittal, DAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

AMIT RAWAL, J. (ORAL)

The appellant is aggrieved of the judgment and decree of the lower Appellate Court whereby, the application filed under Order 41 Rule 27 of the Code of Civil Procedure (hereinafter called 'CPC') has not been decided by the lower Appellate Court.

Mr. Rajesh Goyal, learned counsel appearing on behalf of the appellants-defendants submits that during the pendency of the appeal filed against the judgment and decree of the trial Court, whereby the suit of the respondents was decreed, an application under order 41 Rule 27 of the Code of

Civil Procedure, was moved, however, the application which was duly replied, has not been decided either in the impugned judgment or by way of separate order. In support of his contentions, he relies upon the judgment of Hon'ble Supreme Court in **"Malayalam Plantations ltd. V/s State of Kerala and another, 2011 AIR SC 559."**

This fact is not disputed by the learned counsel for the respondents.

In view of the aforementioned facts and law laid down by the Hon'ble Supreme Court in **"Malayalam Plantations ltd.'s case"** (supra), the impugned judgment and decree of the lower Appellate Court is hereby set aside and the matter is remitted back to the lower Appellate Court to decide the appeal along with the application filed under Order 41 Rule 27 CPC afresh in accordance with law with a period of four months from the date of receipt of the certified copy of this order.

The said appeal is ordered to be restored to its original number.

The parties are directed to appear before the lower Appellate Court on 23.05.2016.

With the aforesaid observations, the appeal stands disposed of.

29.04.2016
yogesh

(AMIT RAWAL)
JUDGE