

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

SAO No.34 of 2011 (O&M)

Date of decision: 05.10.2016

Sarabjeet @ Babloo

....Appellant

Versus

Rakesh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Lokesh Sinhal, Advocate
for the appellant.

Mr. Tushar Sharma, Advocate
for the respondents.

REKHA MITTAL J. (Oral)

The present appeal has been directed against order dated 06.05.2011 passed by the Additional District Judge, Faridabad whereby the appeal preferred by the respondents was disposed of, the judgment and decree passed by the trial Court was set-aside and an additional issue in para 12 of the judgment was framed with liberty to the parties to adduce evidence in support of their respective claims on the additional issue and the respondents/appellant were also given the liberty to produce and prove the documents *qua* title to the suit property.

This Court on 27.01.2015, passed an order whereby the Tehsildar, Tigaon was appointed as a Local Commissioner to demarcate Khasra Nos.569 and 570 in presence of both the parties after issuing notice to them. The Local Commissioner has submitted his report in compliance with the directions issued by this Court and the appellants have filed their objections against the said report by filing CM

No.12467-CII of 2015.

Counsel for the parties are *ad idem* that the appeal may be disposed of, the judgment and decree passed by the Court of appeal be set-aside with a direction to the Court of appeal to decide the appeal on merits after seeking a report from the trial Court in regard to additional issue.

In view of the above, the appeal is allowed, the order dated 06.05.2011 is set-aside and the matter is remitted to the Court of appeal with a direction to decide the appeal on merits after seeking a report from the trial Court in regard to additional issue. The trial Court would take into consideration report of the Local Commissioner, the objections thereto and the evidence to be adduced by the parties for preparing the report on additional issue.

(REKHA MITTAL)
JUDGE

05.10.2016
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No