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

**RSA-4883-2012 (O&M)
Date of decision : 08.04.2016**

Labh Singh and others

...Appellants

Versus

Surjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.S. Dinapur, Advocate
for the appellants.

Mr. D.S. Gurna, Advocate
for respondent Nos.1 to 8.

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 appellants-defendants 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. S.S. Dinarpur, 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-plaintiffs was decreed, an application under order 41 Rule 27 of the Code of Civil Procedure for placing on record the subsequent events

regarding the correction of the revenue entries, 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.**”

Mr. D.S. Gurna, learned counsel appearing on behalf of the respondent Nos.1 to 8, does not dispute the fact of filing of the application.

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.

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

The parties are directed to appear before the lower Appellate Court on 24.05.2016.

With the aforesaid observations, the appeal stands disposed of.

08.04.2016
yogesh

(AMIT RAWAL)
JUDGE