

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

Date of decision:13.7.2016

1.

SAO No.13 of 2016(O&M)

Manjit Singh

....Appellant

VERSUS

Lalit Mohan Batra and another

.....Respondents

2.

SAO No.14 of 2016(O&M)

Manjit Singh

....Appellant

VERSUS

Lalit Mohan Batra

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. D.S. Gurna, Advocate for the appellant.

Mr. Harminderjeet Singh, Advocate for respondents No.1 and
2.

REKHA MITTAL, J. (Oral)

This order shall dispose of SAO Nos.13 and 14 of 2016 as these involve common questions of law and facts for adjudication. For the sake of convenience, facts are taken from SAO No.13 of 2016.

Counsel for respondent No.1 has filed power of attorney on behalf of respondent No.2 as well.

Counsel for the parties are ad idem that the impugned judgment dated 01.12.2015 passed by the Additional District Judge, S.A.S.

Nagar, Mohali, setting aside the judgment and decree dated 21.09.2013 and

remitting the matter to the trial Court for decision afresh after getting a proper demarcation conducted as per rules from the concerned revenue officials under supervision of some Tehsildar and permitting the parties to adduce further/additional evidence may be set aside with a direction to the Appellate Court to get the demarcation conducted at its own level and thereafter to decide the appeal on the basis of evidence already adduced by the parties and the demarcation report to be submitted by the concerned revenue official(s).

In view of the above, the appeals are allowed, order dated 01.12.2015 setting aside the judgment and decree passed by the trial Court and remitting the matter to the trial Court for decision afresh is set aside. The Court of appeal is directed to get fresh demarcation conducted at its own level and thereafter to decide the appeals on the basis of materials on record and the demarcation report to be submitted by the concerned revenue official(s). Parties through their counsel(s) are directed to appear before the Appellate Court on 12.08.2016.

JULY 13, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE