

**SAO No. 8 of 2016(O&M)**  
**Date of Decision: 24.02.2016**

**Parkash Singh and others**

**---Appellants**

**versus**

**Ajay Kumar and others**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

Present: Mr. Vijay Lath, Advocate  
for the appellants

Mr. Aakash Singla, Advocate  
for respondent No. 1

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

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**Rekha Mittal, J.**

The present appeal has been directed against order dated 14.10.2015 passed by the Additional District Judge, Rupnagar, whereby the first appellate court has set aside the judgment and decree passed by the trial court by allowing an application for additional evidence filed by the defendants with further direction to provide two effective opportunities to the plaintiffs to rebut the additional evidence to be led by the defendants/appellants.

Counsel for the appellants has submitted that the appeal may be dismissed as withdrawn but the observations made by the first appellate court in para 18 of the judgment may not be read against the appellants at the time of final disposal of the suit by the trial court after due compliance

with the directions issued by the first appellate court.

Counsel for respondent No. 1 has got no objection if the trial court is directed to dispose of the suit without being influenced by any findings recorded in the impugned judgment dated 14.10.2015.

In view of the above coupled with the fact that as the appellate court has set aside the judgment and decree passed by the trial court for adjudication afresh in compliance with the direction issued by the said court, any observations made by the appellate court in regard to merits of the case would not cause prejudice to rights of the either party and the trial court would decide the suit afresh without being influenced by any observations made by the first appellate court.

Disposed of accordingly.

**(Rekha Mittal)**  
**Judge**

**24.02.2016**  
PARAMJIT