

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

**SAO No.32 of 2014 (O&M)
Decided on: 05.02.2016**

Gurdial Singh and another

....Appellants

Versus

Jaspal Singh and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present: Mr. Abhinav Gupta, Advocate
for the appellants.

Mr. H.N.S. Gill, Advocate
for the respondents.

REKHA MITTAL J. (Oral)

Counsel for the parties are *ad idem* that the impugned order dated 11.04.2014, passed by the District Judge, Sangrur, may be set-aside with a direction to the Court in appeal to decide the appeal on its merits in view of the materials already on record. It is further agreed that even the question, if a Local Commissioner is required to be appointed may be decided by the Court in appeal and in case a Commissioner is appointed, the Court may decide the appeal on the basis of report of the Local Commissioner as well as the evidence adduced by the parties.

In view of the above, the impugned order dated 11.04.2014, is set-aside and the matter is remitted to the Appellate Court for decision of the appeal afresh. The Appellate Court shall decide the question if a Local Commissioner is required to be

appointed for the purpose of decision of the controversy. In case a Local Commissioner is appointed by the Court, the appeal shall be disposed of on the basis of materials already on record as well as report of the Local Commissioner, if any.

Disposed of, accordingly.

(REKHA MITTAL)
JUDGE

05.02.2016

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