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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 302/2016**

ANSHUMALEE SOOD THROUGH: LRS Appellant
Through: Ms. Anita Sahani, Advocate.

versus

SUDERSHANA KUMARI BLEGAN AND ANR Respondents
Through: Mr. Yogendra Kumar, Advocate.

WITH

+ **FAO 303/2016**

TRILOK SINGH SOOD (DECEASED) THR LRS Appellant
Through: Ms. Anita Sahani, Advocate.

versus

RAM PRAKASH BLEGAN (DECEASED) THR LRS
..... Respondent
Through: Mr. Yogendra Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
26.10.2016

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1. These two appeals are directed against common impugned order of 25th February, 2016 vide which first appellate court has directed framing of two additional issues.

2. Learned counsel for the parties submit that two additional issues qua mesne profits are not required to be framed and tried and

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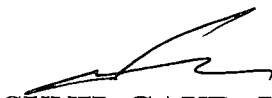
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the first appellate court ought to be directed to decide the two appeals filed by both sides afresh on the basis of the evidence on record in the light of the submissions to be made afresh.

3. In view of the stand taken as aforesaid, impugned order in these appeals is set aside and both the appeals are disposed of with direction to first appellate court to re-decide the two appeals based on evidence already led by the parties and in light of the submissions now to be advanced by the respective sides. It needs no clarification that no fresh issues are required to be framed or decided.

4. To facilitate an early disposal of the appeals by the first appellate court, let the parties through their counsel appear before the first appellate court on 15th November, 2016.

Dasti to both sides.


SUNIL GAUR, J.

OCTOBER 26, 2016
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