

**LPA no.927 of 2017 (O&M)
and connected case**

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

1. LPA no.927 of 2017 (O&M)

Yadwinder Singh and others

....Appellant(s)

Versus

Financial Commissioner (Appeal-II) Punjab Chandigarh and others

...Respondent(s)

2. LPA no.1198 of 2017 (O&M)

Yadwinder Singh and others

....Appellant(s)

Versus

Financial Commissioner (Appeal-II) Punjab Chandigarh and others

...Respondent(s)

Date of Decision : 06.07.2017

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

**Present : Mr.Kanwaljit Singh, Sr. Advocate with
Mr. R.S.Chauhan,
Mr. Gagandeep Singh Virk and
Mr. Abhishek Bajaj, Advocates for the appellant**

**Mr. Arun Jain, Sr. Advocate with
Mr. Amit Jain and
Mr. Sunil Sharma, Advocates for caveator**

MAHESH GROVER, J.(ORAL)

This order will dispose of two Letters Patent Appeals bearing
LPA nos. 927 and 1198 of 2017.

The instant appeals have been filed questioning the judgment of
the learned Single Judge, on a plea that the land in possession of the

appellants as tenants stood declared surplus in the hands of respondent-landlord which would deny him any right to seek their eviction.

An application has been filed placing on record the orders passed by the revenue authorities in this regard and which according to the appellants have become final.

We notice that this document was not before the learned Single Judge even though a plea in this regard was raised. Evidently in these appeals, the learned counsel for the appellant would make submissions centering around it. We are of the opinion that since the learned Single Judge was deprived of the benefit of this document, it would be just and appropriate that liberty be granted to the appellants to pursue their remedy before the learned Single Judge by apprising him of the said document and inviting a finding on this, particularly, when a plea in this regard was raised before him.

Hence, instant appeals are disposed of with a liberty to the appellants to approach learned Single Judge in appropriate proceedings.

The execution of the proceedings shall be kept in abeyance for a period of 2 weeks from today only, to enable the appellants to approach the learned Single Judge and thereafter it would be in the domain of the learned Single Judge to pass any order with regard to the further protection.

**(Mahesh Grover)
Judge**

06.07.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

**(Raj Shekhar Attri)
Judge**