

Moti Lal**..... Appellant****versus****Gurnam Singh****..... Respondent****CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL*********

Present: Mr. S.K.Aneja, Advocate for the appellant.

Mr. Kanwaljit Singh, Sr.Advocate with
Mr.BBS Randhawa, Advocate for the respondent.*********REKHA MITTAL, J. (ORAL)**

Counsel for the parties are ad idem that in view of certain observations made by the Court in Appeal in para 25 of the judgment which are alien to the materials on record, the judgment and decree passed by the Court in Appeal may be set aside and the matter be remanded to the First Appellate Court for decision of the appeal afresh.

In view of the above, without going into merits of the controversy, the appeal is allowed. Judgment and decree passed by the Court in Appeal are set aside and the matter is remitted to the successor Court of Sh. Jatinderpal Singh Khurmi, Additional District Judge, Fazilka for decision of the appeal afresh, in accordance with law. Parties through their counsel are directed to appear before the First Appellate Court on 01.11.2018. The First Appellate Court shall dispose of the appeal within a period of three months from the parties putting in appearance.

(REKHA MITTAL)
JUDGE**01.10. 2018****sunita**Whether speaking/reasoned
Whether ReportableYes/No
Yes/No