

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SAO No. 78 of 2015 (O/M)
Date of decision : 7.5.2018

Harjinder Singh and another

..... Appellants

Versus

Gram Panchayat, Village Pandori Ran Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harsh Aggarwal, Advocate,
for appellants.

Mr. Vivek Chauhan, Advocate,
for respondent.

1. Whether the Reporters of local newspaper 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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KULDIP SINGH J. (ORAL)

Heard.

It comes out that on an application for passing final decree in pursuance to preliminary decree dated 11.2.2003, the learned Civil Judge (Senior Division), Tarn Taran, passed the following order, vide order dated 2.2.2013 :-

'4. Now, vide letter bearing No. Reader/895 dated 31.1.2013, Tehsildar Tarn Taran has submitted his detailed report whereby he has submitted that a compromise has been effected between the parties. Accordingly, in view of the report submitted by the Tehsildar Tarn Taran, final decree is passed and preliminary decree dated 11.2.2003 passed in Civil Suit No. 228 of 4.8.1999 is hereby made final. Report of the Tehsildar Tarn Taran dated 31.1.2013 shall form part of the final decree sheet. Final decree sheet be prepared and the file be consigned to the record room.'

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Said order was set aside by the lower appellate Court and case was remanded back. This Court will not go back to the grounds. However, this Court is of the view that from the order of learned Civil Judge (Senior Division), Tarn Taran, nothing can be made out. The order does not show as to which area is allotted to which party and what compromise has effected between the parties. The compromise was never made part of final decree. Therefore, may be on different ground, judgment of learned Civil Judge (Senior Division), Tarn Taran, was rightly set aside.

In view of matter, let learned Civil Judge (Senior Division), Tarn Taran, re-hear the matter, decide same on merits and pass a specific order if he feels that specific area is to be allotted to specific party. Since it is an old matter, therefore, same be decided within six months from the date of receipt of certified copy of this order. It is added that grounds taken by lower appellate Court in remanding back case shall not be taken into consideration while deciding the application afresh on final decree. Consequently, appeal is dismissed.

(KULDIP SINGH)
JUDGE

7.5.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No