

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

**RSA No.4882 of 2014 (O&M)
Date of Order: 13.11.2018.**

Mohan Singh

..Appellant

Versus

Chiman Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.B.Raheja, Advocate,
for the appellant.

Mr. Nakul Sharma, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

During the course of arguments, learned counsel for the parties do not dispute that learned first appellate court has not considered the effect of Ex.D2, the alleged exchange deed dated 05.06.2008, which is one of the basis to dismiss the case filed by the plaintiff by the trial court. No doubt, in paragraph 9 of the judgment, reference has been made to Ex.D2 but its effect and requirement of registration of the alleged exchange deed has not been examined.

Keeping in view the aforesaid facts, this court is of the considered view that first appellate court is required to re-examine the entire dispute afresh.

In view of the above, the judgment and decree passed by the learned first appellate court is set aside. The learned first appellate court is directed to re-decide the appeal preferably within a period of 6 months after

considering the pleadings, oral or documentary evidence available on the file *vis-a-vis* the reasons given by the trial court for dismissing the suit.

Parties through their counsels are directed to appear before the learned first appellate court on 04.12.2018.

Disposed of accordingly.

November 13, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No