

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

**RSA No.682 of 2017 (O&M)
Date of Decision :17.12.2018**

Parveen Gupta

....Appellant

VERSUS

Harinder Singh and others

....Respondents

Frances Newton Hospital & anr.

**RSA No.3699 of 2017 (O&M)
....Appellants**

VERSUS

Harinder Singh and others

....Respondents

BEFORE : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Amit Jain, Advocate for the appellant in RSA No.682 of 2017.

Mr. Sandeep Khunger, Advocate for the appellants in RSA No.3699 of 2017.

Mr. M.L. Sarin, Sr. Advocate with Mr. Nitin Sarin, Advocate for respondent Nos.1 to 6.

B.S. WALIA, J. (ORAL)

1. Though an adjournment slip has been circulated by Mr. Amit Jain, Advocate, learned counsel for the appellant, yet in view of the order proposed to be passed learned counsel does not press the request for adjournment.

2. While issuing notice of motion, this Court took into account the submission of learned counsel for the appellant(s) that manifest injustice had been caused to the appellant(s) on account of an application under Order 41 Rule 27 CPC filed by the appellant(s) during the pendency of the first appeal having remained undecided.

3. Learned Senior counsel appearing on behalf of respondent Nos.1 to 6 assisted by Mr.Nitin Sarin, Advocate states that he has no objection if the matter is remanded to the learned First Appellate Court to decide the application under Order 41 Rule 27 of the CPC and thereafter, to decide the appeal in accordance with law.
4. The same satisfies the learned counsel for the appellant(s).
5. In the circumstances, the impugned judgment and decree is set aside. Case is remanded to the learned District Judge, Ferozepur to decide the application under Order 41 Rule 27 CPC as filed by the appellant(s) and thereafter, to decide the appeal in accordance with law.
6. Parties through their counsel are directed to put in appearance before the learned District Judge, Ferozepur on 14.1.2019. Learned First Appellate Court shall endeavour to decide the appeal as expeditiously as possible preferably within a period of three months from the date parties put in appearance.
7. Record requisitioned during the pendency of the appeal is ordered to be sent back forthwith.
8. A photocopy of this order be placed on the file of connected case.

December 17, 2018
ps

(B.S. WALIA)
JUDGE

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