

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

211

RSA-556-2013 (O&M)

Date of decision: 24.10.2019

RAMBIR SINGH AND ANR

... Appellants

Versus

NARESH

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. JK Goel, Advocate and
Mr. Shrey Goel, Advocate for the appellants.
Mr. Kunal Dawar, Advocate for the respondent.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against judgment and decree dated 20.10.2012 passed by the Additional District Judge, Gurgaon whereby appeal filed by the respondent/plaintiff against judgment and decree dated 15.04.2011 passed by the Additional Civil Judge (Sr. Div.), Gurgaon was accepted and release deed dated 08.10.2002 executed by late Naval Singh in favour of Rambir Singh and Neeraj, his grandsons has been set aside being without legal necessity, thus not binding upon the respondent/plaintiff. The appellants were restrained from alienating the suit land by holding the respondent/plaintiff to be joint owner in possession of the suit land.

Counsel for the parties are *ad idem* that judgments and decrees passed by the Courts may be set aside and the matter be remitted to the trial Court for decision of the case afresh by framing additional issue, reads thus:-

Whether suit land was ancestral coparcenary property in the hands of Sh. Naval Singh.

In view of the above, the appeal stands disposed of. Judgments and decrees passed by the Courts are set aside. The matter is remitted to the trial Court for decision of the case afresh by deciding the additional issue aforesaid and issues already framed by the trial Court. The respondent/plaintiff would be at liberty to adduce evidence qua additional issue and thereafter the appellants/defendants would be entitled to lead

evidence in rebuttal on that issue. Parties through their counsel are directed to appear before the trial Court on 15.11.2019. The trial Court shall put its best efforts to dispose of the suit within 8 months of parties putting in appearance.

24.10.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No