

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

**RSA No.982 of 2015 (O&M)
Date of Decision:16.01.2019**

Chandgi Ram and another

...Appellant(s)

Versus

Mangal Singh and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Harkesh Manuja, Advocate for the appellants.
Mr.Susheel Gautam, Advocate for respondent No.4.

ANIL KSHETARPAL, J.

The estate of late Shri Partap Singh is in dispute. The plaintiffs claim to be Class-II heirs being brothers, whereas defendants No.1 to 3 claim that they are children of Partap Singh.

The learned trial court decreed the suit, whereas the learned first appellate court by passing wholly non-speaking judgment, has set aside the same.

It has been noticed that various documents have been produced but they have not been proved by the defendants. They are marked D1 to D9. Since inheritance of property is in question and the learned first appellate court has not decided the appeal, in accordance with the provisions of Section 96 of the Code of Civil Procedure, therefore, this Court is left with no choice but to set aside the same. However, since the parties may be required to lead further evidence, therefore, the judgment of the learned trial court is set aside. The matter is remitted back to the learned trial court to re-decide the suit after permitting the parties to lead

further evidence, if they so desire.

Parties through their counsels are requested to appear before the concerned court on 11.2.2019.

The Regular Second Appeal is disposed of. Pending application(s), if any, shall also stand disposed of, in terms thereof.

16.01.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No