

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

**SAO No. 34 of 2015 (O&M)
Date of Decision: January 31, 2019**

Yadwinder Singh

.....APPELLANT

VERSUS

Baljit Singh and another

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. B.S.Guliani Advocate
for the appellant.

Mr. S.C.Chhabbra, Advocate
for the respondent No. 1.

Respondent No. 2 ex parte vide order dated 18.08.2015.

SURINDER GUPTA, J.(Oral)

Learned counsel for the parties are ad-idem that the order passed by Ist Appellate Court remanding the case be set aside, instead the Ist Appellate Court be directed to call for the report of the trial Court on the additional issues and also on the additional evidence allowed to be produced by the respondents. The Ist Appellate Court may call upon the trial Court to record the additional evidence, provide opportunity to the appellant to produce any evidence in rebuttal, if so required.

In view of submissions of learned counsel for the parties, this appeal is accepted. The order of the Ist Appellate Court remanding the case to the trial Court for fresh decision of the case is set aside. Parties are directed to appear before the Ist Appellate Court on 27.02.2019. On that

day, the file of the case will be taken up on Board and report be called from the trial Court with directions to record the additional evidence allowed by it; to give opportunity to the plaintiff/appellant to produce evidence in rebuttal, if any and to send report on additional evidence and additional issues framed by it and then proceed to decide the appeal on merits in accordance with law.

The appellant as well as respondents will be at liberty to raise all legal pleas available to them before the trial Court and the Ist Appellate Court.

(SURINDER GUPTA)
JUDGE

January 31, 2019
Jyoti-II

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No