

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

SAO-47-2015 (O&M)

Date of Decision: 09.07.2019

Gurbax Kaur and another

.... Appellants

Versus

Bikkar Singh (since deceased) through his LRs and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Deepak Verma, Advocate for the appellants.

Mr. Parvinder Singh, Advocate for respondent No. 1.

RAMENDRA JAIN, J. (ORAL)

Heard.

Learned counsel for both the sides are *ad idem* that the impugned judgment dated 12.05.2015 of the Ist Appellate Court, be set aside, qua direction to the trial Court to decide the suit afresh, after affording two effective opportunities to each of the parties to lead evidence on additional issue. They prayed that the Ist appellate Court, may be directed to decide the appeal afresh on merits, after calling the report and evidence led by both the sides to their satisfaction.

In view of the above, impugned judgment dated 12.05.2015 of the Ist Appellate Court, is set aside only qua direction to the trial Court to decide the suit afresh after recording evidence of both the sides on additional

issue. The Ist Appellate Court is directed to decide the appeal on merits coupled with the evidence recorded by the trial Court in compliance to the impugned judgment of Ist Appellate Court.

Disposed of.

Registry is directed to communicate this order to the Ist Appellate Court and trial Court, accordingly.

The parties are directed to appear before the Appellate Court on 23.07.2019.

July 09, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No