

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**1. SAO No. 25 of 2018 (O&M)
Date of Decision: 02.05.2019**

Lachman through LRs

...Appellant

VERSUS

Ram Avtar and others

...Respondents

2. SAO No. 37 of 2018 (O&M)

Azad Singh and others

...Appellants

VERSUS

Ram Avtar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kulvir Narwal, Advocate
for the appellants in both the appeals.

Mr. Tarjit singh Chhikara, Advocate
for respondent no. 1 in both the appeals.

SURINDER GUPTA, J. (Oral)

Heard.

2. Above-captioned appeals are taken up together as subject matter in both the appeals is similar.

3. Learned counsel for respondent no. 1 has no objection if order passed by Ist Appellate Court is modified as follows:-

(i) Ist Appellate Court may take additional evidence allowed by it of its own or can send the case to trial Court as per provisions of Order XLI Rule 28 CPC.

(ii) On additional issues framed by Ist Appellate Court in Civil Appeal titled “*Ram Avtar vs. Lachman Singh*”, parties have already led sufficient evidence and Ist

Appellate Court can proceed further in the matter as per provisions of Order XLI Rule 25 CPC. If, Ist Appellate Court is of the opinion that some evidence is required, it can provide opportunity to parties to lead evidence on the issues, which may also be recorded as provisions of Order XLI Rule 28 CPC.

4. Learned counsel for the appellant has also no objection if the order of Ist Appellate Court is modified in above terms.

5. In view of submissions of learned counsel for parties, appeals are allowed in view of terms as mentioned in para 3 above.

6. Parties are directed to appear before Ist Appellate Court on 30.05.2019, on which date, file of Civil Appeals shall be taken on board and proceeded further as per above observations.

May 02, 2019

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No