

SAO No.31 of 2018 (O&M)

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

SAO No.31 of 2018 (O&M)
Date of decision: 19.08.2019

Manjit Singh

.....Appellant

versus

Madha Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. R.K. Arya, Advocate, for the appellant.
Mr. Inderjit Sharma, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

One of the plaintiffs through this appeal has laid challenge to order of the lower appellate Court dated 10.01.2018, whereby it has remanded the case to trial Court to record findings under issue No.8-A, while setting aside the entire judgment and decree on remaining issues.

Heard.

Having given thoughtful consideration to the rival submissions, this Court is of the view that lower appellate Court instead of shirking from its own legal responsibility and adopting shortcut method of remanding the case to the trial Court for fresh decision, ought to have given finding under issue No.8-A itself after going through the record of the trial Court.

It is needless to mention here that remand of case is not a healthy practice. In normal circumstances, Courts must avoid remand of the case considering the fact that the same puts a huge burden of expenses, re-involvement of precious time and energy of the Court and the litigant.

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Therefore, sense of responsibility does not permit remand of a case, whereby the appellate Court/authority itself can delve the issue, without any extra pain or efforts only by going through the record which the trial Court could not adhere to inasmuch as the appellate Court has much more wisdom and power than the trial Court to undo an illegality or irregularity committed by the lower Court.

In view of discussion made above, impugned order dated 10.01.2018 of the lower appellate Court is set aside with a direction to it to decide the appeal on merits after recording finding under issue No.8-A, if necessary on going through the trial Court record .

Both the parties are directed to appear before the lower appellate Court on 10.09.2019.

Disposed of.

August 19, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No