

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

CR-2430-2021

Date of Decision: 28.10.2021

Dalbir Singh and another

....Petitioners

VS

Jagiro Devi and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Aayush Gupta, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

Learned counsel for the petitioners *inter alia* submits that the learned First Appellate Court was in error in remanding the case as it could itself have appreciated the evidence on record and passed an order in accordance therewith.

Notice of motion.

Mr. Raj Kapoor Malik, Advocate accepts notice on behalf of respondents No.1 and 2 and waives service. He submits that he has no objection in case the order of the Appellate Court is set aside and the matter is remanded to it for a fresh decision on merits.

In view of the above, the revision petition is allowed and the impugned order dated 21.09.2021 is set aside. The matter is remanded to the learned Appellate Court for passing a fresh decision on merits after taking into consideration the evidence produced by the parties.

**(SUDHIR MITTAL)
JUDGE**

28.10.2021

Poonam Negi

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No