

In the High Court of Punjab and Haryana, at Chandigarh**S.A.O. No. 26 of 2023 (O&M)****Date of Decision: 03.07.2023**

M/s Tarvaini Rice Industries

... Appellant(s)

Versus

Surinderpal Singh (Deceased) through his Legal Representatives and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Pushpinder Kaushal, Advocate
for the Appellant(s).**Anil Kshetarpal, J.****CM-10638-CII-2023**

1. For the reasons stated in the application, the same is allowed and the delay of 102 days in re-filing the appeal is condoned.

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2. This appeal has been preferred by the defendant No.1 against the order passed by the First Appellate Court remanding the case back to the trial Court after finding that the Local Commissioner appointed by the Court failed to properly demarcate the land.

3. The appellant herein is running a Rice Mill. The respondents are the farmers. It is the grievance of the respondents that the appellant has constructed the Mill in a manner which resulted in the obstructions of a water channel which was used by the farmers for irrigating their farm land.

The Court, in order to know the factual position, nominated the Local

Commissioner to demarcate the land. However, the Local Commissioner has

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failed to demarcate the land in accordance with law. The First Appellate Court, after finding that the trial Court should have appointed another Local Commissioner, remanded the case back to the trial Court. In substance, the First Appellate Court has directed the trial Court to get the complete information about the facts of the case before deciding the suit filed by the farmers. Such approach of the First Appellate Court is in the interest of the substantive justice.

4. The learned counsel representing the appellant, though, made a sincere endeavour, however, has failed to draw the attention of the Court to any substantive error in the course adopted by the First Appellate Court.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

July 03, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No