

2023:PHHC:103383

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

SAO-9-2023 (O&M)
Date of decision: 09.08.2023

Jeet Ram (deceased) through his LR

..Appellant

Versus

Smt. Santra Devi and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Kunal Dawar and
Mr. Mayank Aggarwal, Advocates for the appellant

Mr. Sandeep Verma, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

1. This Second Appeal has been filed against an order passed by the learned First Appellate Court remanding the case back to the trial court for deciding afresh only because the objections to the report of Local Commissioner have not been decided.

2. Upon realising the scope of Order XLI Rule 23A of the Code of Civil Procedure, 1908, learned counsel representing the parties have arrived at a consensus. They jointly pray that the order passed by the First Appellate Court on 06.12.2022 be set aside while directing the First Appellate Court to decide the appeal as well as the objections.

3. Keeping in view the aforesaid facts, the appeal is allowed. The order dated 06.12.2022 passed by the First Appellate Court is set aside. The parties through their counsels are directed to appear before the First Appellate Court on 06.09.2023.

4. All the pending miscellaneous applications, if any, are also disposed of.

09.08.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE