

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHSAO-33 of 2023 (O&M)
Date of Order: 07.08.2023

Bhagwan Dass

.Appellant

Versus

Krishan Chand and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Goyal, Advocate, for the appellant.
Mr. S.S.Salar, Advocate, for the respondents.ANIL KSHETARPAL, J

1. This second appeal has been filed against the order passed by the First Appellate Court remitting the case back to the trial court after setting aside the judgment and decree passed by the trial Court. The First Appellate Court has remanded the case back to the trial court merely because that the First Appellate Court found it appropriate to appoint a fresh Local Commissioner.

2. On 18.07.2023, the following order was passed:-

“The learned counsel representing the appellant inter alia contends that the First Appellate Court has committed an error in setting aside the judgment of the trial court merely because the First Appellate Court found it appropriate to appoint a fresh local commissioner.

Notice of motion for 01.08.2023.

*The liberty to serve the respondents through
Sh. Rattan Singh Mehal, Advocate, in the trial Court.*

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To be listed in the urgent list.”

3.

Sh. S.S.Salar, Advocate enters appearance on behalf of the

respondents and submits that he has no objection if the First Appellate Court is directed to decide the appeal rather than remitting the case back to the trial court.

4. Keeping in view the aforesaid facts, the order passed by the First Appellate Court to the extent of remitting the case back to the trial court is set aside while requesting the First Appellate Court to decide the matter afresh.

5. The parties through their counsels are requested to appear before the First Appellate Court, on 28.08.2023.

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

August 07, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO