

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

107

2023:PHHC:101706

**SAO-62-2016 (O&M)
Date of decision: 07.08.2023**

VARUN MONGA AND ANR.

..Appellants

Versus

AMRIT MOHAN MONGA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Varun Monga, appellant No.1 along with
his mother appellant No.2 in person.

Mr. Gaurav Chopra, Sr. Advocate
with Mr. Jasjit Singh, Advocate
for respondent No.1.

Mr. Sunil Chadha, Sr. Advocate
with Mr. Parvinder Singh, Advocate
and Ms. Devyani Sharma, Advocate
for respondent 2(i).

Mr. Sachin Jain, Advocate
for respondent No.3 (i) & (ii).

Mr. Ashish Chopra, Sr. Advocate
with Mr. Gagandeep Singh, Advocate
for respondent No.9.

ANIL KSHETARPAL, J(Oral)

1. The appellants as well as the learned counsel representing the respondents have been heard at length.
2. This appeal has been preferred against the order passed by the First Appellate Court remanding the case back to the trial Court after framing fresh issues for adjudication.
3. Having been apprised of Rule 25 of Order XLI of the Code of Civil Procedure, 1908, the appellants well as learned counsel representing the respondents have come to a consensus. The parties to the dispute have agreed in the following manner:-

- i. The order passed by the First Appellate Court shall stand set aside to the extent of the order remanding the case back to the trial Court and all the three appeals pending before the First Appellate Court shall stand restored to its original number.
 - ii. Pursuant to the order of remand, the trial Court has permitted the parties to lead their evidence which shall be transmitted to the First Appellate Court. The First Appellate Court while deciding all the three appeals shall take take into consideration the evidence which was already recorded by the trial Court as well as fresh evidence recorded pursuant to the remand order.
 - iii. All the three appeals shall be finally decided by the First Appellate Court within a period of three months, from today.
4. The parties through their learned counsel are directed to appear before the First Appellate Court on 14.08.2023.
5. It has also been clarified that the First Appellate Court will decide all the three appeals without being influenced by any observations made by the First Appellate Court or by this Court.
6. With these observations, the present appeal is disposed of.
7. All the pending miscellaneous applications, if any, are also disposed of.

August 07th, 2023

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No