

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:028439

RSA-465-1976
Date of decision: 29.02.2024

RACHHPAL SINGH ..Appellant

Versus

SOHAN SINGH (DECEASED) THROUGH LRS. ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sukant Gupta, Advocate
for the appellant.

Mr. Pankaj Bains, Advocate
for Mr. Ashish Handa, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. On 28.02.2024, the following order was passed:-

“1. The learned counsel representing the appellant submits that the appeal is rendered infructuous and has been kept pending unnecessarily. He submits that pursuant to the order dated 26.10.2017, passed by the Hon’ble Supreme Court in Civil Appeal No.5210 of 2009, titled as “Rachhpal Singh Vs. Sohan Singh”, this Court vide order dated 07.02.2019, further remanded the case back to the First Appellate Court with the following observations:-

“First Appellate Court to get any additional oral evidence to be recorded, in view of the additional documents permitted to be led into evidence and pronouncement of a fresh finding, which shall thereafter be considered again by this Court, for which purpose, the Hon'ble Apex Court had itself left it open for this Court to get the same done through the Ld. First Appellate Court, which is accordingly directed to pronounce a fresh finding in the light of the additional evidence and additional documentary evidence already led, and any additional oral evidence as a consequence thereof which the parties may now desire to lead, and thereafter to decide the appeal afresh as expeditiously as possible, and preferably within four months from the date of communication of this order. Additional

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documents led into evidence be also sent along with records of the Lower Courts.

3. Accordingly, parties are directed to appear before the Ld. First Appellate Court on 28th February, 2019.

4. List the matter on 28th August, 2019 for awaiting intimation from the Lower Appellate Court.”

2. In compliance of the aforesaid order, the First Appellate Court has decided the first appeal afresh by writing a detailed judgment passed on 17.10.2019. The appellant’s appeal has been allowed against which, the respondents have filed a separate regular second appeal.

3. The learned counsel representing the respondent prays for a short accommodation.

4. This appeal is pending for the last 48 years.

5. Twice the matter has been remanded back by the Hon’ble Supreme Court.

6. Keeping in view the aforesaid facts, list both the appeals on 29.02.2024, in the urgent list.

7. To be taken up at Serial No.1.

8. A photocopy of this order be placed on the file of the other connected case.”

2. Once again, the matter has been heard. It is evident that on 07.02.2019, this Court had directed the First Appellate Court to give a fresh finding in the light of additional evidence and amended pleadings. Pursuant to the aforesaid order, the First Appellate Court has decided the matter afresh by delivering detailed judgment on 17.10.2019, which has been challenged by the respondents in RSA-437-2020. This appeal is also listed for today.

3. Keeping in view the aforesaid developments, there is no reason to keep the appeal pending, which was instituted in the year 1976. Hence, it is clarified that the order dated 07.02.2019, resulted in remand of the case and this appeal is rendered infructuous.

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

February 29th, 2024(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No