



141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SAO-9-2024(O&M)
Date of decision : 13.05.2024

Raj Singh Sangwan ...Appellant

Vs.

Kamlesh Devi and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumit Sangwan, Advocate
for the appellant.

Mr. Sanjeev Kodan, Advocate and
Mr. Gaurav Dua, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. On 19.03.2024, the following order was passed:-

“The learned counsel representing the appellant inter-alia contends that Smt. Kamlesh had purchased the suit property during the pendency of the suit. Therefore, she was governed by the rule of lis pendens. He further submits that on the application of Smt. Kamlesh, she was impleaded as party and she led her evidence. Therefore, the First Appellate Court has erred in remanding the case back to the trial court without complying with the requirements of Order 41 Rule 23A CPC.

Notice of motion for 09.04.2024.

The petitioner shall have the liberty to serve the respondents through their counsel in the trial court.

Dasti only. To be listed in the urgent list.”

2. Learned counsel representing the parties have been heard at



length.

3. Learned counsel representing the respondent No.1, upon being confronted with a situation, submits that he has no objection if the First Appellate Court seeks report from the trial Court on the issues, which have been re-framed and thereafter, proceed to decide the appeal.
4. Keeping in view the aforesaid facts, the appeal is allowed. The impugned order passed by the First Appellate Court remitting the matter back is set aside.
5. The appeal is restored to its original number. It shall be open to the First Appellate Court to seek report on the issues, which have been re-framed, from the trial Court.
6. The parties through their counsel are directed to appear before the First Appellate Court on 30.05.2024.

13.05.2024

neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No