



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

**RSA-1619-2019 (O&M)
Date of Decision: 10.09.2024**

**SIRIYA (SINCE DECEASED) THROUGH HIS LRS
... PETITIONER
VS.
SHAMSHER SINGH (SINCE DECEASED) AND OTHERS
.. RESPONDENTS**

**RSA-1838-2019 (O&M)
SIRIYA (SINCE DECEASED) THROUGH HIS LRS
... PETITIONER
VS.
GRAM PANCHAYAT BIDHRANA AND OTHERS
.. RESPONDENTS**

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present : Mr. Munish Kumar Garg, Advocate
for the appellant(s).

RITU TAGORE , J.(ORAL)

Mr. H.S.Kasan, Advocate, has filed *vakalatnama(s)* on behalf of respondents No.1 (i,ii) and 2 in RSA-1619-2019 and for respondents No. 2 (i,ii) and 3 in RSA-1838-2019. The same are taken on record, subject to just exceptions.

Learned counsel for the parties are *ad idem* that the learned Appellate Court in Civil Appeal No.5 of 2015 titled as 'Shamsher Singh Vs. Siriya now deceased through LR's and another' and appeal against cross-objection No.26 of 2015 titled as 'Siriya now deceased through his LR's and Vs. Gram Panchayat Bidhrana and another' had been decided on 01.12.2018 and the learned Appellate Court had remanded back the appeals for fresh decision. It is stated that now the matter is fixed for



RSA-1619-2019 & RSA-1838-2019

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arguments on 21.09.2024. Both the counsel submit that in view thereof, both the appeals have become infructuous.

Learned counsel for the appellant(s) submits that he be permitted to file an application to lead additional evidence which primarily would be of the revenue record.

Vide order dated 09.04.2019, when notice of motion was issued, on that day also, counsel for the appellant has confined his arguments with respect to the liberty being afforded to him to lead fresh evidence.

Learned counsel for the respondent(s), on the other hand, refers to the order dated 18.02.2019, whereby, the learned trial Court has mentioned of the directions given by the learned Appellate Court for passing fresh judgment on the basis of evidence led by the parties or after concluding the fresh evidence.

Learned trial Court is directed to take into this aspect of the order dated 09.04.2019 passed by this Court while issuing notice of motion as well as order dated 18.02.2019.

Both the appeals are disposed of having been infructuous.

Pending application(s), if any, shall also stands disposed of.

Photocopy of this order be placed on the connected file.

10.09.2024
smriti

(RITU TAGORE)
JUDGE

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