



SAO-3-2024 (O&M) and connected matters 1

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

Sr. No.128

SAO-3-2024 (O&M)

Date of decision : 03.02.2025

Joginder Kumar Anand (deceased) through LRs. Appellants

VERSUS

Swarna Anand and others Respondents

SAO-4-2024 (O&M)

Joginder Kumar Anand (deceased) through LRs. Appellants

VERSUS

Swarna Anand and others Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumeet Mahajan, Sr. Advocate, with
Mr. Shrey Sachdeva, Advocate,
Mr. Arshya Arora, Advocate, &
Mr. Rohot Khanna, Advocate, for the appellants
in both the cases.

Mr. R. Kartikeya, Advocate, with
Ms. Sidhi Bansal, Advocate, for the respondent in
both the cases.

Mr. Rajinder Goel, Advocate, for the respondent No.5 and 6.

ANIL KSHETARPAL, J. (Oral)

1. These two connected second appeals have been filed against two different but identical orders passed by the first appellate Court remitting the same back to the trial Court.

2. On 31.01.2025, the following order was passed:

“Learned counsel representing the parties have been heard at sufficient length, however, Sh. R. Kartikeya, Advocate, prays for short adjournment to show if there was any litigation inter se between respondent No.1 and 2 on the one hand and



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respondent No.3 and 4 on the other hand.

List on 03.02.2025, in the urgent list.

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

3. After taking instructions from respondents, learned counsel representing the respondents submits that she has no objection if impugned orders passed by the Additional District Judge, Yamunanagar, remitting the matter back to the trial Court is set aside. However, she submits that she may be permitted to pursue her application filed under Order 41 Rule 27 CPC or file a fresh application if required under Order 41 Rule 27 CPC.

4. Learned counsel representing the appellants has no objection.

5. Accordingly, the impugned orders passed by the first appellate Court are set aside with a liberty aforesaid. First appeals shall stand restored to its original numbers before the first appellate Court. The parties through their counsel are directed to appear before the first appellate Court on 28.02.2025.

6. It shall remain open to the first appellate Court to take recourse to all the remedies which are available in law.

(ANIL KSHETARPAL)
JUDGE

03.02.2025

anil

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