



In the High Court of Punjab and Haryana, at Chandigarh

Second Appeal Order No. 48 of 2019 (O&M)

Date of Decision: 14.05.2025

Jagwinder Singh

... Appellant(s)

Versus

Dara Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. D.S.Bhinder and Ms. Indira, Advocate
for the appellant(s).

Mr. P.S.Dhaliwal, Advocate
for respondents No.1 to 3.

Mr. Alok Mittal, Advocate
for respondents No.4 to 6.

Anil Kshetarpal, J.

1. The First Appellate Court has found that proper opportunity to defend the suit has not been granted to some of the defendants. It has also been found that a cross-suit filed by the private defendants is pending. Thus, the First Appellate Court has remitted the matter back to the Trial Court for fresh decision. The plaintiff assails its correctness by filing this second appeal against the order.

2. The learned counsel representing the appellant submits that the defendants were given as many as three opportunities to produce evidence.

3. This Court has considered the submissions of the learned counsel representing the appellant.

4. It is evident that the affidavit of Binder Singh, one of the

defendants, was tendered in lieu of the examination-in-chief on 10.10.2017. Thereafter, hearing of the case was adjourned on the request of the plaintiff's counsel. Moreover, it is the case of the defendants that they have noted the wrong and incorrect date.

5. Thus, there is no error in the findings of the First Appellate Court to the effect that the defendants are not guilty of delaying the disposal of the case. Moreover, the First Appellate Court has exercised its discretion which does not require interference.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order passed by the First Appellate Court. Hence, the present appeal is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

May 14, 2025
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No