



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

1. SAO-36-2024 (O&M)
Date of decision: 01.05.2025

WHITE HOUSE CINEMA THROUGH ITS PARTNER
KULWINDER SINGH AND ORS ..Appellants

Versus

RAJINDER KAUR GILL AND ORS ..Respondents

2. SAO-35-2024 (O&M)

WHITE HOUSE CINEMA THROUGH ITS PARTNER
KULWINDER SINGH AND ORS ..Appellants

Versus

RAJINDER KAUR GILL AND ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

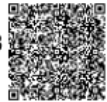
Present: Mr. G.S. Punia, Sr. Advocate
with Ms. Manleen Kaur, Advocate
for the appellants.

Mr. Aayush Gupta, Advocate
for respondent No.1 and 2.

ANIL KSHETARPAL, J(Oral)

1. On 30.08.2024, the following order was passed:-

“Learned counsel for the appellants has drawn attention towards the partnership deed dated 07.08.1976, whereby suit property, earlier owned by Harpal Singh Gill and his wife Smt. Rajinder Kaur Gill, came to the firm, i.e. White House Cinema as capital investment of `6 lacs on the part of the said owners and in this way, the suit property became the property of partnership firm. The suit filed by Smt. Rajinder Kaur Gill and her daughter Manmeet Kaur, who had replaced Harpal Singh, for declaration and injunction was partly decreed, inasmuch as relief for declaration was declined, but the relief for injunction was granted. Both the parties filed appeals and vide an order dated 14.07.2016 of the Appellate Court, the matter was



remanded to the trial Court. Against that order, SAO No.75 of 2016 and SAO No.76 of 2016 were filed by the appellants. Those were disposed of by this Court vide order dated 22.05.2019 (Annexure A-5), by observing that issue No.1 framed by the trial Court to the effect that whether the plaintiff is entitled to relief of declaration as prayed in the head note of the plaint, was a comprehensive issue, under which all the pleas raised by the plaintiff were covered.

At the same time, it was also observed by this Court that if the First Appellate Court feels that some vital issues have been left to be framed causing prejudice to either of the parties, it could proceed to frame the issues as per the provisions of Order 41 Rule 25 CPC.

Learned counsel for the appellants contends that after the order of this Court, the Appellate Court by way of impugned order dated 11.07.2024 has framed three additional issues and has again remanded the matter to the trial Court. Learned counsel contends that the dispute covered under these three additional issues as framed by the Appellate Court are duly discussed by the trial Court and therefore, there was no requirement to remand the matter and that the Appellate Court could have decided the matter.

Notice of motion for 23.01.2025 to respondent Nos.1 and 2 only.

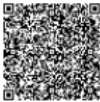
In the meantime, operation of the impugned order dated 11.07.2024 passed by the First Appellate Court shall remain stayed.

Photocopy of this order be placed on the connected case file.”

2. After arguing for some time, learned counsel for the parties have come to a consensus. They jointly state that both the orders passed to remit the matter back to the trial Court be set aside and the First Appellate Court should be directed to proceed in accordance with law.

3. Ordered accordingly.

4. It is clarified that this Court has only set aside the orders remitting the matter back to the lower Court and there is no adverse observation with regard to additional issues, which have been framed.



5. The parties through their learned counsel are directed to appear before the First Appellate Court on 26.05.2025.
6. Both the appeals are disposed of.
7. All the pending miscellaneous applications, if any, are also disposed of.

May 01st, 2025
Ayub

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*