



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SAO No.85 of 2018 (O&M)

Date of Order:07.02.2025

Manjit Singh and another

.Appellants

Versus

Maninder Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Ashwani Kumar Chopra, Sr. Advocate, with
Mr. Vidul Kapoor, Advocate
for the respondents.

ANIL KSHETARPAL, JUDGE (Oral)

1. This second appeal against the First Appellate Court's order remitting the matter back to the trial court is assailed by defendants nos.5 and 6.

2. The plaintiffs' suit for joint possession of 5 kanals and 1 marla land was dismissed by the trial court. The First Appellate Court while making certain observations remitted the matter back to the trial court.

3. On 05.10.2018, the following order was recorded:-

“CM-20210-CII-2018

For the reasons mentioned in the application, delay of 41 days in re-filing the appeal is condoned. Civil Miscellaneous application stands disposed of.

Main Case

Learned senior counsel for the appellants contends



that though he does not contest order of the learned lower Appellate Authority to remand the case to trial Court to decide the matter afresh, they aggrieved of the observations made by learned Appellate Authority in para no.15 of its order particularly that the question regarding the validity of the Will allegedly executed by Chanan Singh in favour of the contesting respondents is required to be enquired into and scrutinized by the trial Court. According to learned senior counsel, it is not open to trial Court to go into this issue as validity of the will was admitted by defendant nos. 1 to 3 in the compromise in the earlier suit.

Notice of motion to respondent nos 1 to 6 only for 27.11.2018.

Till the next date of hearing, final order may not be passed.

To be shown in the urgent list.”

- 4. After arguing at length, the learned counsel representing the parties have come to a consensus. They submit that the trial court be directed to decide the matter afresh uninfluenced by the observations made by the First Appellate Court.
- 5. Ordered accordingly.
- 6. The trial court is requested to make sincere endeavours for the expeditious disposal of the suit.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

February 07, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No