

**CR-6680-2024 (O&M) and
other connected cases**

2025 PHHC 151933



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

Date of decision : 04.11.2025

CR-6680-2024 (O&M)

AMARJIT SINGH (SINCE DECEASED) THROUGH HIS LR... Petitioner

Versus

KAMALJIT SINGH AND OTHERS

...Respondents

CR-6681-2024

PARAMJIT KAUR

...Petitioner

Versus

HARDISH SINGH

...Respondent

CR-6682-2024 (O&M)

AMARJIT SINGH (SINCE DECEASED) THROUGH HIS LR... Petitioner

Versus

HARDISH SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ishan Gupta, Advocate,
Ms. Muskan Gupta, Advocate and
Ms. Deepali Jindal, Advocate
for the petitioner(s) in all the cases.

Mr. B.B.S. Sobti, Advocate (through V.C.) and
Mr. Sultaan Singh Sangha, Advocate
for respondent No.2 in CR-6680-2024,
for respondent in CR-6681-2024 and
for respondent No.1 in CR-6682-2024.

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PANKAJ JAIN, J. (ORAL)

**CM No.4588-CII of 2025 in
CR No.6680 of 2024**

This is an application filed under Order XXII Rule 4 CPC read with Section 151 CPC for impleading LR's of deceased/proforma respondent No.3 Manjit Singh, who is stated to have died during the pendency of the appeal before the Lower Appellate Court.

Counsel for the applicant/petitioner submits that apart from the LR's as mentioned in Para 3 of the application, there is no other surviving legal heir of deceased/proforma respondent No.3. Application is supported by affidavit.

Notice of the application.

Mr. Sobti accepts notice and pleads no objection.

In view of above, the instant application is allowed subject to all just exceptions. Legal heirs of the deceased/proforma respondent No.3 as detailed out in Para No.3 of the application, are ordered to be impleaded.

Amended memo of parties is taken on record.

**CM No.4654-CII of 2025 in
CR No.6682 of 2024**

This is an application filed under Order XXII Rule 4 CPC read with Section 151 CPC for impleading LR's of deceased/proforma respondent No.2 Manjit Singh, who is stated to have died during the pendency of the appeal before the Lower Appellate Court.

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other connected cases**

Counsel for the applicant/petitioner submits that apart from the LRs as mentioned in Para 3 of the application, there is no other surviving legal heir of deceased/proforma respondent No.2. Application is supported by affidavit.

Notice of the application.

Mr. Sobti accepts notice and pleads no objection.

In view of above, the instant application is allowed subject to all just exceptions. Legal heirs of the deceased/proforma respondent No.2 as detailed out in Para No.3 of the application, are ordered to be impleaded. Amended memo of parties is taken on record.

Main Revision Petitions

Challenge in the instant revision petitions is to the order dated 04.04.2024 passed by ADJ, Ludhiana.

2. Mr. Sobti at the outset questions the maintainability of the revision petitions claiming that the impugned order being an order of remand is relatable to Order XLI Rule 23A CPC and the same ought to have been challenged in appeal in terms of Order XLIII Rule 1(u) CPC.

3. Counsel for the petitioner however submits that the perusal of the order dated 04.04.2024 would reveal that the same has been passed neither in consonance with Order XLI Rule 23 nor Order XLI Rule 23A or Rule 25 CPC. It is in these circumstances, the orders were challenged by invoking jurisdiction of this Court under Article 227 of the Constitution of

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India. Mr. Sobti is right in contending that the impugned order is appealable. Accordingly, the revision petitions are ordered to be treated as SAOs.

4. After perusing the impugned order passed by the Lower Appellate Court, this Court finds that the Appellate Court has remanded the matter back to the Trial Court observing as under:

“The case is remanded back to the trial Court. The trial Court/successor Court shall appoint some revenue officer as local commissioner to inspect the spot, to demarcate the property in dispute and submit report whether the property in dispute is the property as mentioned in sale deed dated 11.07.1991 executed in favour of defendant no.2 or whether the same is the property covered under the sale deeds dated 12.11.2003 in favour of the plaintiffs and sale deed in favour of Paramjit Kaur wife of Gurmeet Singh-plaintiff no.3 dated 20.01.2003. On receipt of report filed by the commissioner, the trial Court shall decide the issue pertaining to claim of possession afresh in accordance with law.

5. While doing so, neither the Appellate Court reversed the decree in appeal and held that the re-trial is necessary, nor framed any issue necessitating the remand for re-trial. Trite it is that power to remand the suit can only be exercised in consonance with circumstances enumerated under Order XLI Rule 23, Order XLI Rule 23A or Order XLI Rule 25 CPC. The present case falls in none of the situations contemplated under law.

6. In view of above, the order dated 04.04.2024 being against the bare provisions of law, cannot be sustained and is hereby set aside.

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- 7. The Lower Appellate Court shall decide the appeals afresh in accordance with law after hearing the parties.
- 8. The parties shall appear before the Lower Appellate Court on 26.11.2025.
- 9. Instant revision petitions are disposed off accordingly.
- 10. Pending application, if any, shall also stands disposed off.
- 11. A copy of this order be kept on the files of other connected cases.

November 04, 2025			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No