



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

161

RSA-4015-2025 (O&M)

Date of decision : 22.01.2026

Rajinder Singh

..... Appellant

versus

Amrao Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nitish Garg, Advocate
for the appellant.

Mr. Keshav Pratpah Singh, Advocate
for respondents No.1 to 3.

Mr. Rahul Arora, Advocate
for respondent No.4.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 21.11.2025, the
Coordinate Bench of this Court passed the following order:-

“The present appeal has been filed challenging the order dated 06.12.2023 passed by the learned Additional Civil Judge (Senior Division), Balachaur, as well as the order dated 23.10.2025 passed by the learned Additional District Judge, SBS Nagar, whereby the application filed by the plaintiff for passing of the final decree has been allowed and the appeal preferred by the appellant has been dismissed.

Learned counsel for the appellant submits that the Courts below have failed to appreciate that the alleged report of demarcation is legally required to be ignored for all intents and purposes, as the said demarcation was not conducted in accordance with the mandatory requirements contained in the Punjab and Haryana High Court Rules and Orders. It is further submitted by learned counsel for the appellant that the learned Appellate Court has completely ignored the fact that



the appellant had filed an application for leading additional evidence, to which the respondent-plaintiff had duly filed a reply; however, while disposing of the appeal, the learned Appellate Court has failed to decide the said application. Learned counsel further contends that, in the meantime, warrants of possession have been ordered to be issued.

Heard.

Notice of motion for 28.11.2025.

Notice re: stay as well.

Notice 'dasti' as well."

2. Mr. Keshav Pratap Singh, Advocate appears on behalf of respondent No.1 to 3 and Mr. Rahul Arora, Advocate appears on behalf of respondent No.4 and filed their respective vakalatnama/power of attorney. The same are taken on record. They fairly concede to the factual situation that though the Court has adjudicated upon the appeal, but the application filed under Order XLI Rule 27 CPC for leading additional evidence in appeal has remained undecided.

3. In view of the settled proposition of law, the judgment passed by the Appellate Court cannot be sustained for having ignored the application under Order XLI Rule 27 CPC.

4. Consequently, the present appeal is allowed. Judgment and decree passed by the Appellate Court is set aside. The matter is remanded back to the Appellate Court to decide the same afresh in accordance with law and also to take cognizance of the application filed under XLI Rule 27 CPC, in accordance with law.

5. Keeping in view that the appeal remained pending before the Lower Appellate Court in the earlier round of *lis* from 06.01.2024 onwards, this Court is sanguine that the concerned Court shall decide the appeal on remand expeditiously, preferably, within 09 months from the

date of receipt of this order.

- 6. Disposed off, accordingly.
- 7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

22.01.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No