



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

RSA No.143 of 2026 (O&M)

Date of Decision: 09.04.2026

Urmila and others

..... Appellants

Versus

Krishan

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Aman Pal, Senior Advocate assisted by
Ms. Vidyotna Malik, Advocate for the appellants.

Mr. Vikram Singh Punia & Mr. Amit Siwach, Advocates
for the respondent.

MAHABIR SINGH SINDHU, J.

Present appeal has been preferred by defendants against the impugned judgment & decree dated 19.12.2022, passed by learned trial Court, whereby suit for possession by way of specific performance on the basis of Agreement to Sell dated 08.10.2015, filed by respondent, regarding agricultural land measuring 6 Kanals 1 Marla, situated in the revenue estate of Village



Murthal, Tehsil & District Sonapat, was decreed and which is upheld by learned First Appellate Court, vide impugned judgment & decree dated 26.11.2025.

(2) Learned Counsel for appellants, on 09.02.2026, contended before the Co-ordinate Bench as under:-

“Learned counsel for appellants inter alia argues that his application under Order 41 Rule 27 CPC for additional evidence before learned Appellate Court was neither considered nor decided prior to decision of appeal vide impugned judgment and decree dated 19.12.2022.

Notice of motion for 18.03.2026.

In the meanwhile, execution proceedings shall be deferred beyond the date fixed before this Court.”

(3) Thereafter, on 18.03.2026, learned Counsel for the respondent, on instructions, submitted that he has no objection in case application under Order 41 Rule 27 of the Code of Civil Procedure, 1908 (*for short ‘CPC’*), which remained undecided before learned First Appellate Court, is decided on merits in accordance with law.

(4) For reference, the order dated 18.03.2026, reads as under:-

“Mr. Vikram Singh Punia & Mr. Amit Siwach, Advocates have filed vakalatnama on behalf of respondent, which is taken on record. Registry to tag the same at appropriate place.

Learned counsel for respondent, on instructions submits that he has no objection in case application under Order 41 Rule 27 of the Code of Civil Procedure, 1908, which remained undecided before learned First Appellate Court is decided on merits in accordance with law.

On request, posted for 02.04.2026.

Be shown in the Urgent list.



Other side be notified about the next date of hearing by Registry.”

(5) Today, both sides are *ad idem* that matter be remanded to learned First Appellate Court and the application under Order 41 Rule 27 of the CPC, be decided on merits in accordance with law.

(6) Disposed off accordingly.

(7) Needless to say that in case an occasion so arises, appellants would be at liberty to raise any other arguments within the four corners of law.

Pending application(s), if any, shall also stand disposed off.

09.04.2026
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No