



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

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**Regular Second Appeal No.3396 of 2016 (O & M)
Date of decision :-16.05.2025**

Hari Om**.....Appellant****Versus****Bhagwant Singh****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ankur Ghai, Advocate
for the appellant.

Mr. Mohit Garg, Advocate for the respondent.

NIDHI GUPTA J. (Oral)

The appellant has filed the present appeal against the concurrent findings of the learned Courts below whereby the suit filed by the appellant/plaintiff for declaration, recovery of mesne profit @ Rs.5000/- per month w.e.f. 10.3.2011 till 10.10.2012 and for permanent injunction has been dismissed.

In the present case, the suit filed by the appellant/plaintiff for mandatory injunction directing the respondent/defendant to hand over the vacant possession of the suit property, as detailed in the plaint, has been dismissed by both the Courts below. In the present second appeal, vide order dated 05.2.2020, co-ordinate Bench of this Court had framed the following additional issue :-

“1A. Whether deceased Des Raj legally and validly executed the registered sale deed dated 22.3.2007 for a valuable consideration



transferring the suit property in favour of the plaintiff, if so to what effect? OPP”

and had remanded back the matter to the learned trial Court with a direction “...to take additional evidence, if so required, and proceed and try the case and dispose off the issue and thereafter to submit the report to this Court within three months from the date the parties put in appearance before it. The parties through their counsel are directed to appear before the trial Court. Office to put up the file on receipt of the report. However, this will not come in the way for the parties to undergo obligation to pay Court fee.”

Learned counsel for the parties are *ad idem* that the defendant/respondent had filed a separate suit qua the present suit property being Civil Suit No.37821 of 2013 in which the learned Civil Judge vide judgment and decree dated 26.10.2017 had held that the sale deed executed in favour of the present appellant qua the present suit property, was not valid as it was not for consideration. Against the said judgment and decree, the present appellant had filed a Civil Appeal bearing No.1180 of 2017, which is pending before the Additional District Judge for 20.5.2025.

Learned counsel submit that after remand of the present matter, upon reconsideration, the learned Civil Judge vide order dated 31.5.2022 has now held that the said sale deed in question is valid. It is submitted that therefore, a finding contradictory to the judgment dated 26.10.2017 has been now given by the learned trial Court. It is accordingly prayed by learned counsel for the parties that the present appeal be remanded back to Mr. Jagdeep Sood, Additional District



Judge, where Civil Appeal No.1180 of 2017 is now pending for 20.5.2025 so that both the matters can be decided together without there being any contradiction in the findings.

Heard.

In view of the above *ad idem* submissions made by learned counsel for the parties, the present matter is **remanded back** to Mr. Jagdeep Sood, Additional District Judge, where Civil Appeal No.1180 of 2017 is now pending for 20.5.2025.

Disposed of in the above terms.

May 16, 2025

rishu/Vijay Asija

(**NIDHI GUPTA**)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No