



SAO-5-2025(O&M)

145 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

SAO-5-2025(O&M)

Date of decision:24.03.2025

Akashdeep Singh

..Appellant

Versus

Gurkirpal Singh and another

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Prateek Sodhi, Advocate for the appellant

Mr. V.K.Sandhir, Advocate for respondent no.1 and 2

**ANIL KSHETARPAL, J. (Oral)**

1. On 03.02.2025, the following order was passed:-

*“The learned counsel representing the appellant inter alia contends that the First Appellate Court has erred in remitting the matter back to the Trial Court only with the direction to appoint a Revenue Official to demarcate the property. He submits that the Trial Court appointed a Local Commissioner, who, after demarcating the area, found it to be 72.41 square yards and not 62 square yards and accordingly, the mode of partition as suggested by the Local Commissioner was accepted by the Trial Court.*

*Notice of motion for 07.03.2025.*

*Liberty is granted to the appellant to serve the respondents through their learned counsel in the Trial Court, namely Mr. Kushbir Singh, Advocate, District Courts at Amritsar, for the date fixed.*

*The office is directed to list the appeal in the urgent list on the date already fixed.”*

2. The First Appellate Court has set aside the order passed on 15.07.2024 with the following observations:-



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*“16. So, keeping in view the above mentioned detailed discussion of mine, the appeal in hand is allowed and the impugned order dated 15.07.2024 is set side being illegal, infirm and perverse for the reasons stated above and the case is remanded back to the learned trial court with the direction to appoint a Local Commissioner, preferably a revenue official to firstly demarcated the suit property and thereafter to suggest the mode of partition subject to such terms and conditions as the ld. trial Court deems it fit to impose. The Local Commissioner so appointed may take the assistance of government approved building expert, if so require. Upon receipt of the report of the Local Commissioner, the ld.trial Court shall decide the application for passing final decree afresh, after giving opportunity to both the parties to file objections to the said report, if any, as per law. The parties are directed to appear before the learned trial court on 25.11.2024. Record of Civil Suit bearing No. 21814/2013 be sent back to the concerned record room, whereas, the record of application for passing final decree be returned back to the ld. Trial court by placing copy of this judgment. Appeal file be consigned to record room.”*

3. After arguing at length, learned counsel representing the parties have come to a consensus. They jointly make a statement that let the First Appellate Court’s impugned order be set aside to the extent that the matter be remitted back to the lower court for fresh decision after getting the property demarcated from the revenue official. They submit that the First Appellate Court may appoint a revenue official.

4. Keeping in view the aforesaid consensus arrived at between the parties, the impugned order is modified only to the extent that the order remitting back to the lower court is set aside. The First Appellate Court is requested to proceed in accordance with law. The parties through their learned counsels are directed to appear before the First Appellate Court on 24.04.2025.

5. Accordingly, the appeal stands disposed of.



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6. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)  
JUDGE**

**24.03.2025**

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Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No