

SURJEET SINGH & ANR. ETC. ETC.

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v.

SADHU SINGH & ORS.

(Civil Appeal Nos. 11764-11765 of 2018)

DECEMBER 03, 2018

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[ABHAY MANOHAR SAPRE AND INDU MALHOTRA, JJ.]

Practice and Procedure – Order of remand – Interference in – Held: On perusal of the record of the case, no ground to interfere in the impugned order because the High Court had only remanded the case to the first Appellate Court to decide the first appeal and cross objection afresh on merits in accordance with law.

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CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 11764-11765 of 2018.

From the Judgment and Order dated 24.09.2018 of the High Court of Himachal Pradesh at Shimla in CR Nos. 182 and 183 of 2015.

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R. K. Gautam and Ms. Radhika Gautam, Advs. for the appearing parties.

The Judgment of the Court was delivered by

ABHAY MANOHAR SAPRE, J.

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1. Leave granted.

2. These appeals are directed against the final judgment and order dated 24.09.2018 passed by the High Court of Himachal Pradesh at Shimla in C.R. No.182 of 2015 and C.R. No.183 of 2015 whereby the High Court allowed the revision petitions filed by the respondents herein.

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3. Having heard the learned counsel for the appellants and on perusal of the record of the case, we find no good ground to interfere in the impugned order because we find that the High Court has only remanded the case to the first Appellate Court to decide the first appeal and cross objection afresh on merits in accordance with law. An order of remand, in our opinion, in the facts of this case, does not call for any interference. It is more so when in the opinion of the High Court a case of remand was made out.

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- A 4. Before parting, we cannot resist observing that having rightly formed an opinion to remand the case to the First Appellate Court, there was no need for the High Court to devote 60 pages in writing the impugned order. In our view, it was not required. The examination could be confined only to the issue of remand and not beyond it. At the same time, there was no need to cite several decisions and that too in detail. Brevity being a virtue, it must be observed as far as possible while expressing an opinion.
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5. The appeals stand dismissed in *limine*.

Ankit Gyan

Appeals dismissed in *limine*.