

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

RSA No. 19/2025

Harjeet Rai & Ors.

.....Appellants

Through: Mr. Abhishek Wazir, Advocate

Vs

Rattan Singh

.....Respondent

Through:

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE
ORDER
(19.09.2025)

- 01.** Through the medium of the present appeal, the appellants have laid challenge to judgment dated 05.08.2025 passed by the learned Principal District Judge, Ramban whereby judgment/decreed dated 12.12.2017 passed by learned Sub-Judge, Batote dismissing the suit of the respondent, has been set aside and the matter has been remanded to the trial court.
- 02.** The judgment impugned passed by the learned 1st Appellate Court is a remand order which is appealable as an order in terms of Order 43 Rule 1(u) of the Code of Civil Procedure 1908, therefore, the present civil second appeal is not maintainable.

- 03.** At this stage, learned counsel for the appellants has prayed that this appeal may be treated as a miscellaneous appeal in terms of Order 43 Rule 1(u) of the Code of Civil Procedure, 1908. The prayer is allowed.
- 04.** Registry is directed to assign the nomenclature of the miscellaneous appeal to the present appeal and list this appeal for consideration on 22.09.2025.

(SANJAY DHAR)
JUDGE

JAMMU
19.09.2025
SUNIL

