

Chhedi and Another

Vs

Jagannath and Others

Civil Appeal No. 480 of 1992

(Ranganath Misra JJ)

04.08.1988

JUDGMENT

RANGANATH MISRA, J. –

1. This appeal is by special leave. The order of the Allahabad High Court in a writ petition arising out of proceedings under the U. P. Zamindari Abolition and Land Reforms Act dated September 17, 1981 is assailed.
2. By the impugned order, the Allahabad High Court set aside the decision of the Member, Board of Revenue and remitted the dispute to the original forum on two aspects, namely, adverse possession of the appellants and the plea of surrender by Mst. Janki.
3. The matter was heard at length and ultimately both the parties agreed that the order of remand need not be interfered with but the scope of the remand should be limited to the question of surrender and the question of adverse possession need not be reinvestigated. We accordingly dispose of the appeal by sustaining the order of the High Court directing remand but confine the scope of remand to the question of examining the acceptability of the plea and the validity of the alleged surrender.
4. The appeal is disposed of with this direction and without any order for costs.

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