

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

Civil Revision No.3158 of 2015

Date of decision: 18.05.2015

Teja Singh

.... Petitioner

versus

Darshan Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. PKS Phoolka, Advocate,
for the petitioner.

K.Kannan, J. (Oral)

1. The consideration of application under Order 41 Rule 27 CPC ought to be along side the appeal and not independently thereof. The court will hear the application along with the appeal and follow the procedure as laid down under Order 41 Rule 28 CPC about the manner of acceptance of such evidence if it is found essential or may proceed to dismiss it if it finds no justification for entertaining it. The court that hears the appeal will pass an order of such consideration without in any way being conditioned or influenced by the decision already taken. The application for reception of additional evidence is reopened and the application will be considered along with the appeal. In my view, it will be appropriate that the appeal is heard by some other Judge and the District Judge may hear the appeal himself or may place before any

other Judge under his superintendence to a court of competent jurisdiction.

2. I dispense with notice to the respondents only because the procedure adopted is ex facie erroneous and I have not disposed of the application on merits.

3. The impugned order is set aside and the revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

18.05.2015
sanjeev