

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

CR No. 7336 of 2011 (O&M)

Date of decision: 07.04.2015

Darshana Rani

... Petitioner

versus

Sudarshan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.K. Chugh, Advocate for the petitioner.

Mr. Ashok Verma, Advocate,
for respondent Nos. 1, 2, 9 and 20 to 24.

Mr. Satbir Gill, Advocate for respondent Nos. 13 and 14.

K.Kannan, J.

Learned counsel for the petitioner produced the receipt of ₹5,000/- as was directed by the Court on 22.09.2014. Perused the receipt and returned to the petitioner.

The order passed cannot be sustained, as the Court has no power to dispose of the application for reception of additional evidence independently of the appeal. Order 41 Rule 28 itself describes the procedure to be followed when additional evidence is sought for. The Court shall hear the appeal along with the application and uninfluenced by the decision already taken and follow the procedure as laid down in Rule 28 for consideration and otherwise of the additional evidence.

With these observations, civil revision petition is ordered. The matter will go back to the Lower Appellate Court which shall consider the case on merits along with application.

07.04.2015

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**(K.KANNAN)
JUDGE**