

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8853 of 2015(O&M)
Date of Decision.24.12.2015

Kashmir Singh and another

.....Petitioners

Vs.

Gurbachan Kaur and another

.....Respondents

Present: Mr. A.S. Kalra, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The revision petition is against the order dismissing two applications by a common order, one for amendment of written statement and another for reception of additional evidence. The Appellate Court, while dismissing the application for amendment of the written statement held that such a prayer had already been denied and therefore, it was not competent and proceeded to dismiss the application for reception of additional evidence as well. Learned counsel says that he has no objection to the application for amendment of the written statement that was dismissed but he would want direction for the application under Order 41 Rule 27 CPC which has been disposed of without making any reasoning. The order of dismissal of the application for amendment is maintained on the basis of representation made by the counsel and I set aside the order dismissing the application for reception of additional evidence. I dispense with notice to the

respondents since the order is *ex facie* wrong and there cannot be an independent disposal of application under Order 41 Rule 27 CPC without consideration of the appeal itself. The application under Order 41 Rule 27 CPC can be dismissed only along with the appeal if there are no grounds made as required under the said provision. If the Court has directed reconsideration of the application along with the appeal and if it is of the view that additional evidence is required to be taken, it may adopt a procedure as given under Order 41 Rule 28 CPC. If the document does not require any further evidence and the document is also required to be received, the Court may consider the same and dispose it of along with the appeal.

2. The civil revision is disposed of at the stage of admission on the above terms.

(K. KANNAN)
JUDGE

December 24, 2015
Pankaj*