

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Regular Second Appeal No. 4478 of 2011 (O&M)

DATE OF DECISION : August 21, 2015

Mahesh Yadav

..... APPELLANT(S)

VERSUS

Smt. Bimla Devi

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sanjay Mittal, Advocate, for the appellant.
Mr. B.S. Bairagi, Advocate, for the respondent.

ARUN PALLI, J. (Oral)

A suit filed by the plaintiff i.e. Mahesh Yadav, for recovery of ₹2,23,000/-, against Bimla Devi wife of Ajit Singh, was dismissed by the trial court vide judgment and decree dated 18.09.2008. Appeal preferred against the said decree failed and was dismissed vide judgment dated 08.08.2011. This is how, plaintiff is before this Court in this Regular Second Appeal.

During the course of hearing, a consensus emerged between the counsel for the parties that as an application moved by the appellant for additional evidence under Order 41 Rule 27, Code of Civil Procedure, before the 1st Appellate Court, remained undecided, the judgment under challenge i.e. dated 08.08.2011, be set aside and the matter be remitted to the 1st Appellate Court, for decision afresh, on the appeal as also the application

for additional evidence moved by the appellant-plaintiff.

That being so, the judgment dated 08.08.2011, rendered by the Additional District Judge, Rewari is set aside. The matter is remitted to the Ist Appellate Court, to decide the appeal afresh, as also the application moved by the appellant under Order 41 Rule 27, Code of Civil Procedure.

In the wake of the fact that the suit was filed on 12.01.2004 and a period of more than 11 years has gone by, Ist Appellate Court is requested to decide the appeal within a period of six months from the receipt of certified copy of this order.

Disposed of.

AUGUST 21, 2015
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(ARUN PALLI)
JUDGE