

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

249

**RSA No.150 of 2015(O & M)
Date of Decision:21.12.2015**

Paramjit Kaur

....appellant

Versus

Darshan Singh

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

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

Present: Mr.M.J.S.Bedi, Advocate
for the appellant

Mr.Binderjit Singh, Advocate
for the respondent

ARUN PALLI, J.(ORAL):-

Suit filed by the plaintiff was decreed by the trial Court vide judgement and decree dated 14.05.2011. As even an appeal preferred against the said decree failed, and, was dismissed vide judgement and decree dated 18.09.2014, defendant is before this Court, vide this Regular Second Appeal.

On January 15, 2015, this Court had passed the following order:

“Learned counsel for the appellant contends that First Appellate Court while deciding the appeal failed to decide the applications filed under Order 41 Rule 27 of CPC, for leading additional evidence. Even though the said applications had been filed during the pendency of the appeal, in which notice was given to the other

side and reply thereof was also filed.

Notice of motion for 09.07.2015.

Notice regarding stay as well.”

Learned counsel for the respondent fairly submits, at the outset, that indeed the applications moved by the appellant, under Order 41 Rule 27 CPC, before the Appellate Court, remained un-decided.

Accordingly, the judgement and decree dated 18.09.2014, rendered by the first Appellate Court is set aside, and, the matter is remitted to the first Appellate Court to re-decide the appeal. Needless to assert, the applications for additional evidence, shall be decided therewith. The Appellate Court is requested to decide the matter as expeditiously as possible, but, in any case, within a period of four months from the receipt of the certified copy of the order. This order, however, shall not constitute any expression of opinion on merits of the claim of either party.

The appeal is disposed of, in the above terms. Parties are directed to appear before the first Appellate Court on 19.01.2016.

21.12.2015

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**(ARUN PALLI)
JUDGE**