

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-1571 OF 2014

Date of Decision: 30.03.2016

CHAMAN LAL AND OTHERS

.....Petitioners

Vs.

LAJJA RAM AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. J.K. Chauhan, Advocate
for the petitioners.

Mr. R.K. Gupta, Advocate
for respondents No.1 to 4.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the observations of the learned First Appellate Court in the order dated 28.09.2013 in para No.14 with respect to the source of the money and referring the matter to the Income Tax Commissioner, Panchkula for taking appropriate action, observing that the transactions seems to involve the black money.

2. Learned counsel for the petitioners contended that the counsel for the parties have simply argued the appeal with respect to the interim injunction. No opportunity of being heard was granted by the learned First Appellate Court before making aforesaid observations. He contended that if some query would have been put, the petitioners may have been able to render the satisfactory explanation but that opportunity has been denied to them.

3. Sh. R.K. Gupta, learned counsel for respondents No.1 to 4 has also not been able to repel the contentions with respect to providing any opportunity of being heard to the petitioners with respect to these observations.

4. Thus, it is not disputed that the observations in para No.14 of the order dated 28.09.2015, have been made by the learned First Appellate Court without affording any opportunity of being heard to the petitioners. The said observations are violative of the principles of natural justice and are hereby expunged. However, the First Appellate Court is at liberty to pass the fresh order with respect to these observations after affording a reasonable opportunity of being heard to the petitioners.

5. The present revision petition stands disposed of accordingly.

March 30, 2016
SwarnjitS

(DARSHAN SINGH)
JUDGE