

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

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Civil Revision No.2399 of 2016 (O&M)

Date of Decision: April 21, 2016

S. Gurdial Singh

...Petitioner

Versus

S. Narinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Divanshu Jain, Advocate
for the petitioner.

Mr. Atul Lakhanpal, Senior Advocate
with Mr. Arjun Lakhanpal, Advocate
for the respondents.

AUGUSTINE GEORGE MASI, J. (ORAL)

On the last date of hearing i.e. 04.04.2016, the following order
was passed:-

“The primary contention of learned counsel for the petitioner, apart from the other pleas as taken, is that the application for leading additional evidence was filed by the petitioner on 26.08.2015 on which notice was issued and even reply was filed by the respondents on 15.09.2015. The said application till date has not been decided, although the main appeal stands decided. He prays that the impugned order, thus, cannot sustain as the case will have to be remanded back to the Appellate Authority for fresh decision after deciding the application for additional evidence.

Notice of motion.

Mr. Arjun Lakhanpal, Advocate, accepts notice on behalf of the respondents. Mr. Atul Lakhanpal, Senior Advocate, prays for some time to verify the assertion made by the counsel for the petitioner.

Adjourned to 21.04.2016.

Status quo with regard to possession shall be maintained till the next date of hearing.

To be shown in the urgent list”.

Learned senior counsel for the respondents could not dispute the fact about the application for additional evidence having been filed and the same having not been decided by the Appellate Authority.

In the light of the judgments of the Supreme Court in *Jatinder Singh & Anr. Minor Through Mother Versus Mehar Singh and others 2009(1) R.C.R.(Civil) 253* and *Malayalam Plantations Ltd. Versus State of Kerala and another 2011 AIR (SC) 559*, the matter is remanded back to the Appellate Authority for deciding the application for additional evidence moved by the petitioner and thereafter to proceed and decide the appeal at an early date preferably within a period of three months from the date of receipt of the copy of the order.

Parties to appear before the Appellate Authority on 27.04.2016.

Copy of this order be given *dasti* to the counsel for the petitioner under signatures of Bench Secretary of this Court and the same be also conveyed to the Appellate Authority.

The revision petition stands disposed of accordingly.

April 21, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE