

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

SAO No.50 of 2012 (O&M)

Date of decision: 27.05.2016

Jagdish

....Appellant

Versus

Shri Bhagwan and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Shailender Jain, Sr. Advocate
with Mr. Sanjeev Gupta, Advocate for the appellant.

Mr. Rajesh Narang, Advocate for respondent No.1.

REKHA MITTAL J. (Oral)

Counsel for the parties are *ad idem* that the appeal may be disposed of, the impugned order passed by the Appellate Court i.e. Additional District Judge, Gurgaon to the extent of setting-aside the judgment and decree dated 03.01.2011 passed by the trial Court be set-aside. However, the additional evidence allowed to be adduced by the Appellate Court may be examined by the Appellate Court itself or may seek a report from the trial Court on the basis of additional evidence.

In view of the above, the appeal is partly allowed, the order passed by the Appellate Court setting-aside the judgment and decree dated 03.01.2011 is set-aside. However, the order passed by the Appellate Court allowing application for additional evidence is affirmed. It is left open for the Appellate Court to record the additional evidence itself or to get it recorded before the trial Court and seek a report in regard thereto.

27.05.2016

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**(REKHA MITTAL)
JUDGE**