

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

**230**

**RSA-4200-2014 (O&M)  
Date of Decision : 22.08.2016**

**AJAIB SINGH AND ANOTHER**

**.....Appellants**

**VERSUS**

**JAI SINGH AND OTHERS**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. Neeraj Sheoran, Advocate for  
Mr. Aman Pal, Advocate  
for appellant No.1.

Mr. S.P. Soi, Advocate  
for appellant No.2.

Mr. Karan Gupta, Advocate  
for the respondents.

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**DARSHAN SINGH, J. (ORAL)**

The present appeal has been preferred against the judgment and decree dated 07.03.2014 passed by the learned Additional District Judge, Patiala whereby the appeal filed by the appellants was dismissed.

It is not disputed that during the pendency of the appeal before the learned First Appellate Court, the appellants have moved an application for an additional evidence to exhibit the documents already lying on record and to give an opportunity to lead the evidence. It is an admitted fact that learned First Appellate Court while disposing of the appeal has not decided this application and

without deciding the application moved by the appellants for additional evidence, dismissed the appeal vide impugned judgment and decree. The learned First Appellate Court was duty bound to decide the application moved by the appellants for additional evidence while deciding the main appeal.

In view of aforesaid, impugned judgment and decree passed by the learned First Appellate Court cannot be sustained in the eye of law.

So, the present appeal is hereby allowed.

The impugned judgment and decree dated 07.03.2014 is hereby set aside.

The case is remitted to the learned First Appellate Court to decide the appeal afresh along with the application moved by the appellants for additional evidence. As the suit was filed by the respondents in the year 2001 more than 15 years have already passed. So, it is expected that the learned First Appellate Court will expedite the disposal of the case preferably within six months.

Parties are directed to appear before the learned First Appellate Court on 27.09.2016.

**[ DARSHAN SINGH ]**  
**JUDGE**

**August 22, 2016**  
rajneesh

Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO