

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision-1369-2017

Date of Decision:07.03.2017

Ashim

.....Petitioner

Versus

Bimla Gupta and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.Akshay Kumar Jindal, Advocate,
for the petitioner.**

**Mr.Parminder Singh, Advocate,
for the respondents.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the long pendency of his application filed before the learned first appellate Court under Order 41 Rule 27 of the Code of Civil Procedure (for short “the CPC”), for additional evidence, during pendency of the first appeal, petitioner has approached this Court by way of present revision petition under Article 227 of the Constitution of India, seeking a direction to the learned first appellate Court, to decide his pending application at an early date.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the application under Order 41 Rule 27 CPC filed by the petitioner, during pendency of his first appeal, is pending consideration before the learned first appellate Court. The only prayer made by the petitioner is that let his application be decided by the learned first appellate Court without any further delay and in

any case before deciding the appeal.

Learned counsel for the respondents submits that the application for additional evidence moved by the petitioner is misconceived and the same is liable to be dismissed.

Having heard the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that if the prayer made by the petitioner is accepted, no prejudice is likely to be caused to the respondents. It is so said because merits of the application under Order 41 Rule 27 CPC shall be examined, considered and appreciated by the learned first appellate Court at the time of passing an appropriate order thereon. This Court is not considering the merits of said application, nor making any comments thereon so that any kind of prejudice may not be caused to the rights of either of the parties.

In view of the above, present revision petition is disposed of with a direction to the learned first appellate Court to decide the pending application of the petitioner filed under Order 41 Rule 27 CPC at an early date and in any case before decision of the first appeal filed by the petitioner. In view of the nature of controversy involved between the parties, learned first appellate Court is also directed to make an endeavour to decide the first appeal of the petitioner expeditiously.

Resultantly, with the above-said observations made and directions issued, the present revision petition is disposed of, however, with no order as to costs.

March 07, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No