

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

Anuradha
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RSA-15-2012 (O&M)
Date of Decision: 16.11.2017
...APPELLANT

ER. KUSHAL SINGH PATHANIA

VS

THE PUNJAB STATE ELECTRICITY BOARD, PATIALA AND ORS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. K.S.Dadwal, Advocate
for the appellant.

Mr. Vishal Chaudhary, Advocate
for the respondents.

AJAY TEWARI, J.(Oral)

The basic contention of learned counsel for the appellant is that one application for additional evidence has been filed before the first Appellate Court in which notice was given and even reply was filed by the counsel for the respondent but the said application was not decided. Counsel for the respondent has very fairly accepted that the application under Order 41 Rule 27 was filed but was not decided either prior to the date of decision or alongwith the judgment and order. In the circumstances, the only alternative is to remand the matter back to the Appellate Court for a fresh decision on the application under Order 41 Rule 27. Parties through counsel are directed to appear before the Appellate Court i.e. The District and Sessions Judge Hoshiarpur on 20.12.2017.

The appeal stands allowed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

16.11.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No