

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

**RSA No.1314 of 2016 (O&M)
Date of Decision: 15.09.2017**

Angoori Devi and Anr.

.....Appellants

Vs.

Dalbir Singh and Anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.R.N.Lohan, Advocate, for the appellants.

Mr.Rajesh Khandelwal, Advocate,
for respondent No.1-Caveator.

RITU BAHRI, J. (ORAL)

The defendants/appellants has come in appeal against the judgment of the learned appellate Court dated 08.01.2016 whereby, the judgment and decree dated 23.10.2010 passed by the learned trial court was upheld.

Learned counsel for the appellants submits that the trial Court had not considered the application for leading additional evidence for production and proof of sale deed No.2858 dated 23.12.2002 and mutation No.1146 dated 25.01.2013 and second application had been dismissed for additional evidence for production of judgment in Criminal Appeal No.197 of 06.10.2014.

The records were summoned and after inspecting the record, it transpires that no specific ground has been mentioned with regard to the additional evidence qua judgment and decree passed in criminal case as well

No.32 and 33 of judgment of the learned appellate Court.

Learned counsel for the respondents has argued that in page No.122 of the lower Court record as well as in para No.33 of the judgment of lower appellate Court, only it has been mentioned that applications for adducing additional evidence has been dismissed. This argument of the learned counsel for the respondents can be accepted because no ground has been mentioned by the learned appellate Court for dismissal of application qua adducing additional evidence with regard to judgment of criminal appeal and production of sale deed dated 23.12.2002 and in the absence of any reasoned order passed on these application, the judgment passed by the learned appellate Court is liable to be set aside.

In view of the above, the matter is disposed of and the case file is remanded back to the learned appellate Court for passing a fresh order after giving the reasons for dismissal of the additional evidence as mentioned above.

(RITU BAHRI)
JUDGE

15.09.2017
anil

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