

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.6858 of 2016 (O&M)

Date of decision: 15.12.2017

Mehal Singh and others

..... Appellants

Versus

Surinder Kaur (since deceased)
through LRs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Anil Chawla, Advocate
for the appellants.

Mr. K.S. Rekhi, Advocate
for the caveator-respondents.

ANIL KSHETARPAL, J. (ORAL)

Defendants-appellants are in the regular second appeal against the judgment passed by the learned First Appellate Court dated 19.04.2016.

Learned First Appellate Court refused to consider the evidence led by the defendants prior to the date when application for permission to lead secondary evidence was granted on the ground that such evidence cannot be considered.

In the considered opinion of this Court, this approach of the learned First Appellate Court was wholly erroneous. Once the party had led evidence and the other party had been given opportunity to cross-examine the aforesaid evidence is part of the Court file. The Court cannot refuse to consider such evidence.

In view of the above, the judgment dated 19.04.2016 is set

aside. The matter is remanded back to the learned First Appellate Court to re-decide the matter in accordance with law.

Regular second appeal is allowed.

15.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No