

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

RSA No.6377 of 2014 (O&M).

Date of Decision: 24.01.2017.

Rajeev Kumar

....Appellant.

VERSUS

Prabh Saran Singh Chadha

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Chetan Salatia, Advocate for
Mr. Amit Jain, Advocate for the appellant.

SNEH PRASHAR, J.

Assailing the judgment and decree dated 06.10.2014 passed by learned Additional District Judge, Panchkula allowing the appeal filed by respondent-plaintiff and reversing the judgment and decree dated 13.01.2012 passed by learned Additional Civil Judge (Senior Division), Panchkula, the instant regular second appeal was filed.

Mr. Baldev Raj Mahajan, Senior Advocate assisted by Ms. Haramrit Kaur, Advocate has filed his Power of Attorney on behalf of the respondent which is taken on record.

At the very outset, learned senior counsel for the respondent submits that as observed by this Court in order dated 03.08.2016, the appellant had moved an application seeking permission to lead additional evidence before the first appellate Court, which remained pending and was not considered and decided alongwith the appeal by learned first appellate

Court. Fairly conceding that the application ought to have been decided by learned first appellate Court, learned senior counsel submits that he has no objection if the judgment and decree dated 06.10.2014 passed by learned first appellate Court is set aside and the matter is remitted back to the first appellate Court for deciding the application for additional evidence filed by the appellant as well as the appeal afresh.

Considering the submission made by learned senior counsel for the respondent, which in fact is the prayer of counsel for the appellant as well, the judgment and decree dated 06.10.2014 passed by learned first appellate Court is set aside. The case is remitted back to the first appellate Court for deciding the application for additional evidence filed by the appellant and also for decision of the appeal afresh.

Parties through their counsel are directed to appear before the concerned first appellate Court on 13.02.2017.

(SNEH PRASHAR)
JUDGE

24.01.2017.
jitender sharma

Whether speaking/ reasoned : **Yes**

Whether Reportable : **No**