

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

**C.R. No.1856 of 2017 (O&M)
Date of Decision.04.12.2018**

Pushap Chander

...Petitioner

Vs

Baldev Ram and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Arun Takhi, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The short point involved in the present revision petition is whether the application under Order 41 Rule 27 CPC at the instance of the appellant can be decided independently or along with the appeal.

The aforementioned controversy has been set at rest by the Hon'ble Supreme Court in **Malayalam Plantations Ltd. Vs. State of Kerala and another (2010) 13 SCC 487**. In such circumstances, the order dismissing the application for additional evidence independently without deciding the appeal is not sustainable.

In view of the aforementioned observations, the order impugned is set aside and the lower Appellate Court is directed to decide the application for additional evidence along with the appeal.

The revision petition is allowed in the above terms.

**(AMIT RAWAL)
JUDGE**

December 04, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No