

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.3565 of 2018 (O&M)
Date of Decision : 10.07.2018

Surinder Pal Singh

..... Petitioner

Versus

Anil Kumar Sharma and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sanjay Tangri, Advocate
for the petitioner.

Mr. Shiv Kumar, Advocate
for the caveator-respondent.

AJAY TEWARI, J. (Oral)

On the last date the following order was passed :-

“Counsel for the applicant-petitioner has argued that the petitioner had moved an application for additional evidence before the appellate authority but the same has not been decided and on this score alone the petition has to be allowed and the matter be remanded back.

Counsel for the caveator-respondent seeks a short adjournment to ascertain about the correctness of this statement.

Adjourned to 10.07.2018. In the meantime, counsel for the caveator-respondent undertakes not to pursue the execution.”

Learned counsel for the caveator-respondent is not in a position to deny that there is no order by which the application for additional evidence was decided.

In the circumstances, the impugned order has to be set aside and the matter has to be remanded back to the appellate authority for a fresh decision after deciding the application for additional evidence. Ordered accordingly. The appellate authority is directed to decide the same expeditiously. Let the parties appear before the appellate authority now on 16.08.2018.

Petition stands disposed of in the above terms.

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

(AJAY TEWARI)
JUDGE

10.07.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No