

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-7674-C-2018 in/and
RSA No.3953 of 2000 (O&M)
Date of Decision: 18.05.2018**

Gurdeep Kaur & Ors.

... Appellants

VS.

Harizan alias The Scheduled Castes
Cooperative Land Owning Society Ltd., Phul

... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT

Present: Mr. Gurbachan Singh Gorla, Advocate for applicant/respondent

Mr. Naresh Prabhakar, Advocate for non-applicant/appellant

SURYA KANT, J. (Oral)

(1) This Regular Second Appeal is at the instance of the defendants against whom suit for possession and recovery was decreed by the Civil Court and their first appeal against the said judgment and decree has also been dismissed by learned Additional District Judge, Bathinda vide judgment dated 28.07.2000.

(2) During the course of arguments, learned counsel for the respondent-Society fairly admits that for an effective adjudication of the controversy, additional evidence is required to be led by both the parties. He further submits that such additional evidence can be permitted to be lead before the First Appellate Court to save the time as its an old matter and the said Court may be directed to decide the application for additional evidence in a time bound manner. It is stated that application for leading additional evidence moved by the appellant has not been decided by the First Appellate Court.

(3) In view of the above-stated fair, just and equitable stand taken on behalf of the respondent, the instant appeal is allowed in part to the extent that the impugned judgment and decree dated 28.07.2000 passed by learned

Additional District Judge, Bathinda is set aside and the case is remanded to the said Court to decide it afresh. The First Appellate Court shall firstly decide the application for additional evidence which is stated to be pending and reply thereto has also been filed, within two months and thereafter the Court shall decide the first appeal within three months.

(4) Parties are directed to appear before learned District & Sessions Judge, Bathinda on 03.07.2018 who may entrust the case to an appropriate Court for adjudication.

18.05.2018

vishal shonkar

**(Surya Kant)
Judge**

1. *Whether speaking/reasoned?*

Yes

2. *Whether reportable?*

No