

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

RSA No. 4798 of 2011 (O&M)
Date of decision : April 03, 2018

Ram Niwas

..... Appellant

v.

Darshna Devi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kulwant Singh, Advocate
for the appellant.

Mr. Harkesh Manuja, Advocate
for respondents No.1, 3 and 4.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant. Since a very limited point has been raised, reference to the facts may not be necessary.

Counsel for the appellant has argued that an application for additional evidence had been filed before the lower appellate Court but the same was not decided either before deciding the appeal or along with the appeal. He has relied upon Malayalam Plantations Ltd v. State of Kerala and another 2011 AIR(SC) 559 to contend that it is incumbent on the part of the lower appellate Court to consider at the time of hearing the appeal on merits so as to find out whether the documents/evidence sought to be

adduced have any relevance/bearing in the issues involved.

Counsel for the respondents is not able to cite any subsequent contrary judgment.

In the circumstances, this appeal is allowed and the judgment/order of the lower appellate Court is set aside. The matter is remitted back to the appellate Court for a fresh decision in accordance with law. Parties, through their counsel, are directed to appear before the District Judge, Sonapat on 1.5.2018.

Counsel for the respondents prays that a direction be issued to the appellate Court to expedite the hearing since it is an old matter. Counsel for the appellant has no objection.

In the circumstances, it is directed that the appeal be now finally decided on or before 20.12.2018.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

April 03, 2018
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No