

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

RSA No.6101 of 2016 (O&M)

Date of decision: 19.12.2018

Baghrawat (since deceased) through his LRs

..... Appellant

Versus

Samer Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sumit Sangwan, Advocate
for the appellant.

Mr. Vikrant Rana, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

On 12.07.2017, notice was issued after noticing argument of learned counsel for the appellant that First Appellate Court has failed to decide the application for additional evidence.

Learned counsel for the respondent does not dispute the aforesaid position. However, he submits that this Court may itself consider the application for additional evidence.

No doubt, correctness and maintainability of the application for additional evidence can be examined by this Court. However, keeping in view the fact that prayer in the application for additional evidence is to examine, a handwriting and fingerprint expert along with other documents which would require recording of evidence, therefore, at the stage of regular second appeal, it would not be appropriate for this Court to start recording the evidence.

Keeping in view the aforesaid undisputed position, the judgment of the learned First Appellate Court is set aside. The case is remitted back to learned First Appellate Court to re-decide the appeal after considering and adjudicating upon the application for additional evidence.

Learned First Appellate Court is requested to decide the appeal, within a period of 9 months, from the date of receipt of a certified copy of this order.

Appeal is disposed of.

Parties through their counsel are directed to appear before the learned First Appellate Court on 14.01.2019.

19.12.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No