

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

RSA No.4972 of 2015 (O&M)

Date of Decision:26.11.2018

Rakesh

...Appellant(s)

Versus

Satish Kumar and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Parminder Singh, Advocate for the appellant.
Mr.Karan Nehra, Advocate for respondent No.1.

ANIL KSHETARPAL, J.

The defendant-appellant is in the regular second appeal against the judgment passed by the learned first appellate court, permitting the plaintiff to lead additional evidence and remanding the case back to the learned trial court for re-decision.

Learned counsel for the appellant has pointed out that after allowing additional evidence, the learned first appellate court has also ordered closure of additional evidence without granting opportunity to the defendant-appellant to lead counter evidence. He has further submitted that the documents, which have been produced in additional evidence, are required to be proved, wherever they are necessary.

On the other hand, learned counsel for respondent No.1 does not have any serious dispute with the contentions raised by the learned counsel for the appellant.

In view of the above, the impugned order passed by the learned Additional District Judge, Karnal, is modified. Both the parties would be granted liberty to lead evidence with respect to the additional evidence

allowed. If the plaintiff wishes to prove the additional evidence which has been exhibited, he would be granted liberty to prove that documents and defendants would also be granted liberty to rebut the additional evidence produced by the plaintiff.

With the aforesaid modification, the appeal is disposed of. Pending application(s), if any, shall also stand disposed of, in terms thereof.

26.11.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No