

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5134 of 2017

Date of Decision: 18.01.2018

Kulbir Kaur (since deceased) through her LRs ...Appellant
VERSUS

Gurbachan Singh (since deceased) through his LRs ...Respondent

BEFORE : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.G.S.Sandhu, Advocate, for the appellant.

RITU BAHRI, J. (Oral)

The appellant has come up in revision against the judgment of lower appellate Court dated 03.08.2017 wherein suit for possession by way of specific performance during the pendency of the appeal under Order 41 Rule 27 CPC has been allowed.

In paragraph 14 of the judgment, it has been observed that appellant/plaintiff was permitted to lead additional evidence to bring on record cheques No.088090 and 088091 and certificate copy issued by the bank and statement of account by examining concerned official of the Punjab and Sind Bank, Salem Tabri, Ludhiana. The case was remanded back to the learned Lower Court for deciding afresh after affording reasonable opportunity to the appellant/plaintiff to lead additional evidence accordingly and then to afford reasonable opportunity to the respondent/defendant to lead rebuttal evidence.

Learned counsel for the appellants submits that under Order 41 Rule 27 CPC, learned appellate Court could have allowed the application on the appellate stage itself or direction can be given to the trial Court to provide the opportunity to the parties to lead their evidence.

Since the plaintiff suit was filed for specific performance, as such, the case has been rightly remanded back to examine the evidence by giving opportunity to both the parties. In view of the same, the direction has been rightly given to the trial Court to enable both the parties to lead their evidence.

So after going through the impugned order, the same does not reflect any material irregularity or perversity which warranting interference. Hence the present regular second appeal stands dismissed.

18.01.2018
anil

(RITU BAHRI)
JUDGE

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

CR No.4444 of 2016

Date of Decision: 20.12.2017

**Umed Singh (deceased) through his LRs Vedwati and ors. ...Petitioners
VERSUS**

Anand and others

...Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.S.K.Hooda, Advocate, for the petitioners.

RITU BAHRI, J. (Oral)

Learned counsel for the petitioner seeks to withdraw the
present revision petition at this stage.

Dismissed as withdrawn.

20.12.2017
anil

**(RITU BAHRI)
JUDGE**

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

CR No.4445 of 2016

Date of Decision: 20.12.2017

Dhanpati and others

...Petitioners

VERSUS

Anand and others

...Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.S.K.Hooda, Advocate, for the petitioners.

RITU BAHRI, J. (Oral)

Learned counsel for the petitioner seeks to withdraw the
present revision petition at this stage.

Dismissed as withdrawn.

**(RITU BAHRI)
JUDGE**

20.12.2017

anil

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.4446 of 2016

Date of Decision: 20.12.2017

Dhoop Singh @ Dhupe and others

...Petitioners

VERSUS

Anand and others

...Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.S.K.Hooda, Advocate, for the petitioners.

RITU BAHRI, J. (Oral)

Learned counsel for the petitioner seeks to withdraw the
present revision petition at this stage.

Dismissed as withdrawn.

(RITU BAHRI)
JUDGE

20.12.2017

anil