

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

**RSA No.5489 of 2017 (O&M)
Date of Order:07.12.2018**

Bahadur Singh and others

..Appellants

Versus

Balbir Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Khosla, Sr. Advocate, with
Mr. Aman Sharma, Advocate, and
Ms. Ishrat Phulka, Advocate,
for the appellants.

Mr. Surinder Garg, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

On 15.01.2018, learned counsel for the appellants contended that 2 applications for additional evidence filed by the appellants before the first appellate court have not been decided. Hence, notice was issued.

Learned counsel for the respondents after examining the record, concedes to this position.

First appeal is a valuable right and being the last court for re-appreciating the evidence, first appellate court while deciding the appeal must take care and dispose of the applications which are pending before it. In the present case, undisputedly two applications have not been decided.

Keeping in view the aforesaid facts, the judgment passed by the first appellate court is set aside. Appeal is remitted back to the learned first appellate court to re-decide the appeal afresh.

Needless to observe that the first appellate court would consider the applications for additional evidence and decide the same on merits before taking up the appeal for final disposal.

Parties through their counsels are directed to appear before the learned first appellate court on 16.01.2019.

December 07, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No