

CR-6145-2016 (O&M)

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6145-2016 (O&M)

Date of decision : 23.01.2019

Ravinder Kumar and another

... Petitioners

Versus

Sahab Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Suman Jain, Advocate
for the petitioners.

Mr. D.S. Rawat, Advocate
for respondent Nos.1, 3, 5 to 7.

AMIT RAWAL, J. (ORAL)

The short point involved in the present revision petition is whether during the pendency of the appeal, application for additional evidence at the instance of the respondents-plaintiffs can be allowed without deciding the appeal. The answer is 'No' as the law on this proposition is settled by Hon'ble the Supreme Court in **Malayalam Plantations Ltd. V/s State of Kerala and another 2011 AIR SC 559.**

The lower Appellate Court ought to have decided the application along with the appeal and after hearing the arguments on main appeal, could have afforded the opportunity, but not in the manner and mode.

Resultantly, the impugned order, under challenge is not

CR-6145-2016 (O&M)

sustainable in the eyes of law being perverse and erroneous, thus, the same is hereby set aside. The lower Appellate Court is directed to decide the appeal along with the application for additional evidence.

With the aforesaid observations, the present revision petition stands disposed of.

23.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**