

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4849 of 2019(O&M)
Date of Decision: 31.10.2019

Ram Kumar

.....Petitioner

Versus

Harbhagwan

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajinder Goyal, Advocate
for the petitioner.

Mr. Amit Jain, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been preferred against the order dated 22.07.2019 passed by District Judge, Kaithal, vide which an application for additional evidence was decided in isolation by keeping the main appeal pending.

[2]. At the time of issuance of notice of motion, learned counsel for the petitioner placed reliance upon **Union of India Vs. Ibrahim Uddin and another, 2012(4) RCR (Civil) 727** to contend that the application for additional evidence at the appellate stage has to be decided along with the main case.

[3]. Learned counsel appearing on behalf of the respondent

very fairly conceded to the aforesaid legal position and stated that the impugned order be set aside and Lower Appellate Court be directed to decide the application for additional evidence afresh along with the main appeal.

[4]. In view of consensus arrived at between the parties and also in view of legal position, I deem it appropriate to set aside the impugned order. The application for additional evidenced is thus revived and the same is directed to be disposed of along with the main appeal on merits. Lower Appellate Court shall make every endeavour to decide the appeal at the earliest.

31.10.2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No