

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

**RSA No.1515 of 2013 (O&M)
Date of Order:28.03.2019**

Gurmeet Singh

..Appellant

Versus

Mohinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amandeep Kakkar, Advocate
for the appellant.

Mr. Raman Goklaney, Advocate
for the respondent.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ANIL KSHETARPAL, J.

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned first appellate court.

At the outset, learned counsel for the appellant has submitted that the application for additional evidence filed by the defendant-respondent was allowed by the first appellate court without granting counter opportunity to the plaintiff-appellant.

Learned counsel for the defendant-respondent does not dispute this factual position.

On this short ground itself, the judgment passed by the learned first appellate court is not sustainable, hence set aside. The case is remitted back to the learned first appellate court to re-decide the appeal after grant of an opportunity to the plaintiff-appellant.

The regular second appeal is disposed of accordingly.

Parties through their counsels are directed to appear before the learned first appellate court on 23.04.2019.

March 28, 2019
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(ANIL KSHETARPAL)
JUDGE

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