

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

206

Regular Second Appeal No.939 of 2013
Date of Decision: May 17th, 2019

Ashok Kumar Goyal

...Appellant

Versus

National Fertilizers Limited, Noida and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: None for the appellant.

Mr. Vipin Mahajan, Advocate
for respondents No.1 and 2.

None for respondent No.3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

One of the grounds which has been taken by the appellant is that an application for leading additional evidence had been filed by the appellant, in which notice was issued by the Lower Appellate Court, to which reply has been filed by the respondents but no decision thereon has been taken either at an earlier occasion or along with the main judgment which has been delivered, meaning thereby that the said application remains undecided.

2. I have gone through the records of the Lower Appellate Court with the assistance of counsel for respondents 1 and 2 and find the said assertion to be correct.

3. In view of the above and in the light of the judgment of the Hon'ble Supreme Court in *Jatinder Singh and another minor through mother Versus Mehar Singh and others 2009 (1) R.C.R. (Civil) 253*, the present appeal is allowed.

4. Judgment dated 30.08.2012 passed by the learned

Additional District Judge (Fast Track Court), Bathinda, is hereby set aside

and the matter is remanded back to the Court for fresh decision after deciding the application for additional evidence, which has been preferred by the appellant and pending.

5. Parties are directed to appear before the Lower Appellate Court on **04.07.2019**.

6. Registry is directed to return the records forthwith.

May 17th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No