

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

RSA No.42 of 2016 (O&M)
Date of decision : 10.01.2019

Amar Singh

...Appellant

Versus

Inder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K. Arora, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.94-C of 2016

For the reasons stated in the application, which is duly supported by an affidavit, delay of 19 days in filing the present appeal is condoned.

Application is allowed.

Main case

On 10.05.2016, notice of motion was issued after noticing the contention of the learned counsel for the appellant that an application for additional evidence filed under Order 41 Rule 27 CPC has not been decided.

As per office report, only respondent has been served but no one is present on his behalf.

Learned counsel for the appellant has extracted the orders of the Court dated 23.04.2015, 24.04.2015, 27.04.2015 and 29.04.2015 in the

grounds of appeal, which are extracted as under:-

“Present:- Mr. K.D. Syal, Advocate for the appellant

Mr. HC Kamboj, Advocate for the respondent.

Reply to the application for placing on record the certified copy of judgment dated 14.5.2012 by way of additional evidence, not filed. Reply to the said application be filed on 24.4.2015. Arguments shall also be heard on the said date.

Sd/- H.S. Grewal

ADJ-Ferozepur, 23.4.2015

“Present:- Mr. K.D. Syal, Advocate for the appellant

Mr. HC Kamboj, Advocate for the respondent.

Reply to the application for placing on record the certified copy of judgment dated 14.5.2012 by way of additional evidence, not filed. Reply to the said application be filed on 28.4.2015. Arguments shall also be heard on the said date.

Sd/- H.S. Grewal

ADJ-Ferozepur, 24.4.2015

“Present:- None for parties

File taken up today as I shall be on leave on 28.4.2015. This case is adjourned to 29.4.2015 for arguments. The parties through their counsel be informed accordingly.

Sd/- H.S. Grewal

ADJ-Ferozepur, 27.4.2015

“Present:- Mr. K.D. Sayal, Advocate for the appellant-defendant

Mr. HC Kamboj, Advocate for the respondent-plaintiff.

Arguments heard. Vide my separate judgment of even date, the present appeal has been dismissed with costs as per the observations made therein. Decree sheet be

prepared accordingly. The record of the lower court coupled with a copy of this judgment be sent back and that of appeal be consigned to the record room.

Announced in open court.

Dated: 29.04.2015

*Sd/- H.S. Grewal
Additional District Judge,
Ferozepur”*

Since, no one has appeared to controvert that fact, hence, the present Regular Second Appeal is accepted.

Case is remitted back to the learned First Appellate Court to decide the appeal after deciding the application for additional evidence.

Appellant through his counsel is directed to appear before the First Appellate Court on 28.01.2019.

First Appellate Court would issue notice to the respondents before deciding the appeal on merits.

10.01.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No