

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

201

CR No.8421 of 2017 (O&M)
Date of decision: 04.02.2020

Smt. Pooja Rani

... Petitioner

Versus

Haryana Urban Development Authority and anr.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. OP Sharma, Advocate for the petitioner.
Mr. Vivek Chauhan, Advocate for the respondents.

REKHA MITTAL, J. (Oral)

Challenge in the present petition has been directed against order dated 31.10.2017 (Annexure P8) passed by the Additional District Judge, Gurugram whereby application for condonation of delay in filing the appeal and another application for adducing additional evidence by invoking Order 41 Rule 27 of the Code of Civil Procedure (in short 'the Code') were allowed.

The respondents (appellants therein) have been permitted to adduce additional evidence in respect of letter dated 28.11.2007 purported to be written by the petitioner to the respondent authority.

Counsel for the parties are *ad idem* that part of the order impugned allowing application for condonation of delay in filing the appeal may be sustained but the order allowing application for additional evidence may be set aside with a direction to the appellate Court to dispose of the application for additional evidence while deciding the appeal on merits.

In view of the above, the petition stands disposed of. Order Annexure P8 allowing the application for condonation of delay in filing the appeal is affirmed. However, order allowing application for additional evidence is set aside with a direction to the appellate Court to decide the application for additional evidence while hearing argument on the main appeal.

04.02.2020

ashok

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No