

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3866-2005(O&M)
Date of decision: 17.02.2020

Baljit Singh

.....Appellant

Versus

Sapattar Singh (deceased) through LR's and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Arun Jain, Sr. Advocate with
Mr. Abhishek Dhull, Advocate for the appellant

Mr. R.K.Sharma, Advocate for L.Rs of respondent no.1
and respondent no.2

ANIL KSHETARPAL, J. (ORAL)

Present Regular Second Appeal has been filed by the plaintiff-appellant against the judgments passed by the Courts below. Plaintiff had filed a suit for possession of a piece of land measuring 600 sq. feet claiming that he was allotted 1784 sq. feet land by UOI vide conveyance deed dated 14.3.1961. The defendant contested the suit by pleading that he has perfected his title by way of adverse possession. Learned Trial Court dismissed the suit on the ground that the plaintiff has failed to prove his title as the primary evidence i.e conveyance deed was not produced. First Appellate Court also affirmed the aforesaid finding.

During the pendency of the appeal, an application under Order 41 Rule 27 CPC has been filed for permission to lead additional evidence. Certified copy of the conveyance deed dated 14.3.1961 has

been produced on record.

Keeping in view the controversy involved, learned counsel for the parties are ad idem that let the application for additional evidence be allowed and the plaintiff be permitted to lead evidence to prove the conveyance deed.

Keeping in view the aforesaid consensus arrived at, the judgments passed by the Courts below are set aside. Application under Order 41 Rule 27 CPC is allowed and the plaintiff is permitted to lead evidence to prove the conveyance deed. Case is remitted back to the learned Trial Court to re-decide the suit after granting opportunity to both the parties to lead further evidence. Parties through their counsel are directed to appear before the Trial Court on 6.3.2020. Learned Trial Court is requested to expeditiously decide the suit.

Disposed of.

17.02.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No