

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

**RSA No.3389 of 2014 (O&M)
Date of Order: 25.02.2020**

Manjit Singh Panesar and others

..Appellants

Versus

M/s Jaibird Winneries and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Sharma, Advocate,
for the appellants.

Mr. R.L.Sharma, Advocate,
for respondent no.2.

Mr. Divanshu Jain, Advocate,
for respondent no.5.

ANIL KSHETARPAL, J(Oral)

The plaintiff-appellant has filed the present regular second appeal against the concurrent findings of fact arrived at by the courts below while dismissing the suit filed by the plaintiff for grant of decree of permanent injunction restraining the defendants no.1 and 2 from taking forcible possession of Plot No.346, Industrial Area, Phase-I, Chandigarh. Plaintiff had also prayed for decree of declaration that the plaintiff is in possession of the plot and the building constructed thereon with consequential relief that such possession has ripened into ownership.

Learned counsel for the parties, at the outset, very fairly submit that the learned first appellate court has committed an error in not deciding application filed under Order 41 Rule 27 of the Code of Civil Procedure for permission to lead additional evidence.

Learned counsel for the parties pray that let the judgment passed by the learned court be set aside and the learned first appellate court be requested to re-decide the appeal while deciding application for additional evidence.

Keeping in view the joint prayer made and the fair stand taken by learned counsel for the parties, the judgment dated 12.08.2013 is set aside. Learned first appellate court is requested to decide the appeal afresh while adjudicating upon the application for additional evidence already filed.

Disposed of accordingly.

Parties through their counsels are directed to appear before the learned first appellate court on 12.03.2020.

Learned first appellate court is requested to make sincere endeavour for disposal of the appeal on an early date.

February 25, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No