

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

(111)

CR-4885-2022

Date of Decision: 12.12.2022

Subhash Vashisth

...Petitioner

Versus

Smt. Sunita Devi and other

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manish Mehta, Advocate, for the petitioner.

Mr. Deepak Jindal, Advocate, for the respondents.

HARKESH MANUJA, J.(ORAL)

By way of present revision petition, a challenge has been made to an order dated 28.09.2022 whereby an application filed at the instance of respondents/plaintiffs seeking additional evidence for placing on record judgment and decree dated 10.12.2019 has been allowed by the learned first Appellate Court.

Learned counsel for the parties are *ad-idem* that they shall have no objection in case the application filed at the instance of respondents/plaintiffs invoking Rule 41 Rule 27 CPC is taken up afresh for its adjudication at the time of final hearing of the appeal as while passing the impugned order, learned Appellate Court failed to record anything on the aspect as to whether the documents now sought to be produced are required by it for an effective and complete adjudication of the appeal in hand.

In view thereof, impugned order dated 28.09.2022 (Annexure P-1) is ordered to be set aside and the learned first Appellate Court is directed to hear the aforesaid application afresh along with the main appeal.

The present revision is disposed of accordingly.

Pending application(s), if any, shall also stand disposed of.

**(HARKESH MANUJA)
JUDGE**

12.12.2022

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ANIL KUMAR
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I attest to the accuracy and
integrity of this document

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No