

2023:PHHC:106781

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

CR-3399-2021 (O&M)

Date of decision: 17.08.2023

Jasvir Singh

..Petitioner

Versus

Ranjit Kaur and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tarun Singla, Advocate for the petitioner

Mr. Gurmeet Singh Saini, Advocate for respondent no.1

Mr. Arvind Rajotia, Advocate for respondent no.29

ANIL KSHETARPAL, J (Oral)

1. In this revision petition, the petitioner makes a limited prayer. He prays for issuing direction to the First Appellate Court to decide the application for permission to lead additional evidence before deciding the appeal. He submits that the First Appellate Court has erred in directing that the application for permission to lead additional evidence shall be decided with the main case.

2. In fact, in **CR-7475-2019** titled as '**Brij Mohan Gupta (deceased) through LRs and others vs. Anshu Aggarwal and others**' decided on 17.08.2021, this Court after noticing the distinction between the prayer for permission to lead additional evidence under clause (a) and (aa) of Order XLI Rule 27 of the Code of Civil Procedure, 1908, held that the application under clause (a) and (aa) is required to be decided before the decision of the main case.

3. Keeping in view the aforesaid facts, the order passed by the First Appellate Court on 25.10.2021 is set aside to the limited extent. The First Appellate Court is directed to decide the application for permission to lead additional evidence before proceeding to decide the main appeal.
4. With these observations, the revision petition stands disposed of.
5. All the pending miscellaneous applications, if any, are also disposed of.

17.08.2023
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(ANIL KSHETARPAL)
JUDGE

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