



CR-5402-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124)

CR-5402-2024

Date of decision: - 04.12.2024

Amir Chand

....Petitioner

Versus

Rajinder Kumar

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. D.S. Nigha, Advocate
for the petitioner.

Mr. Vinod Gupta, Advocate,
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India against the impugned order dated 24.05.2024 (Annexure P-4) passed by the Additional District Judge, Kaithal, whereby the application filed by the petitioner under Order 41 Rule 27 CPC for additional evidence has been rejected.

2. On 13.11.2024, this Court was pleased to pass the following order: -

“Inter alia, contends that in the present case, an application for additional evidence under Order 41 Rule 27 CPC has been rejected vide the impugned order dated 24.05.2024 (Annexure P-4) before deciding the appeal as the first appeal is still pending and the next date in the said first appeal is 04.02.2025. It is submitted that as per settled law, application under Order 41 Rule 27 CPC is



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to be decided alongwith the main appeal, thus, on the said ground point alone, the impugned order deserves to be set aside.

Notice of motion for 21.11.2024.

Liberty is granted to the petitioner to serve the respondent through dasti process as well as through the counsel appearing in the 1st Appellate Court.

To be shown in the urgent list.”

3. On 21.11.2024, learned counsel for the respondent had appeared and prayed for a short adjournment to get instructions in the matter.

4. Learned counsel appearing for the respondent has fairly submitted that the application under Order 41 Rule 27 CPC be ordered to be decided alongwith the main appeal and the impugned order be set aside but has prayed that the main appeal itself be decided as expeditiously as possible and preferably, on the date fixed i.e. 04.02.2025.

5. Keeping in view the above-said facts and circumstances and also what has been noticed in the said order dated 13.11.2024 and also the fact that it is a settled principle of law that the application for additional evidence is to be decided alongwith the main appeal, the present revision petition is partly allowed and the impugned order dated 24.05.2024 (Annexure P-4) is set aside and the 1st Appellate Court is directed to consider the said application alongwith the main appeal at the time of deciding the main appeal.

6. It is made clear that this Court has not opined on the merits of the application and the said application alongwith the main appeal would be decided independently by the 1st Appellate Court after

considering the arguments of both the sides.

7. In view of the fair stand taken by the respondent, the 1st Appellate Court is requested to decide the main appeal, as expeditiously as possible, preferably within a period of three months from 04.02.2025.

8. Counsels appearing for all the parties before the 1st Appellate Court are also requested to fully assist the Court in expeditious disposal of the matter.

December 04, 2024

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No