



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-903-1995 (O&M)
Date of decision: 26.08.2025

Rura Ram @ Rudh Singh (deceased) through his legal heirs and others

...Appellant

Versus

Churia Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Sudesh Rani, Advocate and
Mr. Nitin Jain, Advocate for the appellant.

Mr. Jasvinder Saini, Advocate for the respondent.

DEEPAK GUPTA, J. (ORAL)

CM-7468-C-2024 in RSA-903-1995

1. This is application filed under Order 22 Rule-4 read with Section 151 of CPC for impleading legal heirs of respondent-Chuhar Singh @ Churia Ram (Since deceased) in the main appeal.
2. For the reasons stated in the application which are supported by an affidavit, the present application is allowed and legal representatives of respondent-Chuhar Singh @ Churia Ram, as stated in para 3 of the applications are ordered to be impleaded as party subject to all just exceptions.
3. It is made clear that the impleadment is solely for the purpose of pursuing the main appeal and the same would not be construed as an adjudication on the entitlement of the estate of respondent.
4. Amended memo of parties is taken on record subject to all just exceptions.

**Main case**

1. This appeal has been filed against the judgment dated 20.02.1995 of Ld. Additional District Judge, Kurukshetra disposing of as many as 4 appeals.

2. One of the grounds taken by learned counsel for the appellant in this appeal is that an application under Order 41 Rule 27 of CPC was moved before the First Appellate Court for the production of additional evidence but that application was not considered by the First Appellate Court and the impugned judgment was passed without disposing of the application.

3. Learned counsel has referred to a judgment passed by the Hon'ble Supreme Court in case titled as *Sanjeev Goel Vs. Avtar S. Sandhu 2006 (9) SCC 748* wherein it has been held by Hon'ble Supreme Court that non disposal of the application under Order 41 Rule 27 CPC by the First Appellate Court leads to miscarriage of justice. Matter is required to be remanded. Similarly view has been taken by this Court in case ESA-9-2024 titled as *Amit Manocha Vs. J.K. Nanda and another*, decided by this Court on 14.08.2024.

4. In view of the aforesaid circumstances, the judgment and decree dated 20.02.1995 passed by Ld. Additional District Judge, Kurukshetra, giving rise to RSA-903-1995 is hereby set aside. The matter is remanded back to the First Appellate Court with direction to dispose of the application under Order 41 Rule 27 of CPC as moved by the appellant and then decide the appeals in accordance with law.

5. Accordingly, the present appeal stands disposed of.

26.08.2025

Yogesh

**(DEEPAK GUPTA)
JUDGE****Whether speaking/reasoned:-
Whether reportable:-****Yes/No
Yes/No**