

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****227****RSA-1870-2017(O&M)****Date of decision: 20.08.2025****Ramesh Pal & Others****...Appellant(s)****Vs.****Pritam Singh & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Jyotika Behl, Advocate for  
Mr. Satbir Rathore, Advocate  
for the appellants.

Mr. Kartik Gupta, Advocate  
for respondents No.1 & 2(i).

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**NIDHI GUPTA, J.**

The short submission made by learned counsel for the appellants/plaintiffs is that the impugned judgment and decree of the lower Appellate Court dated 17.01.2017 is not maintainable in view of the fact that the application dated 21.07.2015 (Annexure A1) filed by the appellants under Order 41 Rule 27 CPC for permission to adduce additional evidence, has not been decided by the learned lower Appellate Court while deciding the first appeal of the appellants. Learned counsel relies upon judgment of the Hon'ble Supreme Court in **Hakam Singh v. State of Haryana, (SC) : Law Finder Doc ID # 146054**, to submit that it has been held therein that while deciding the appeal, it is also incumbent upon the



Appellate Court to decide the application of the applicant for leading additional evidence. Learned counsel in this regard also refers to the Grounds of Appeal, in particular to the averments made in Para 9 thereof, wherein this ground has been raised by the appellants in the present Second Appeal.

2. Learned counsel for the respondents is unable to dispute the aforesaid facts, and legal position.

3. In view of the above, present matter is remanded back to the learned Additional District Judge, Hoshiarpur to pass appropriate order within a period of one year from today, after taking into consideration the application of the appellants dated 21.07.2015 (Annexure A1). Present appeal stands **disposed of** accordingly.

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

**20.08.2025**

Sunena

**(Nidhi Gupta)**  
**Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No