

CR-1692-2025 (O&M)

2025:PHHC:100564



139 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-1692-2025 (O&M)

Date of decision : 04.08.2025

Rajender Kumar

..... Petitioner

Versus

Santosh & ors.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. Ajay Vijarania, Advocate  
for the petitioner.

Mr. Sumit Sangwan, Advocate  
for respondent No.1.

Mr. Rajesh K.Dhankhar, Advocate and  
Mr. Narender Tewatia, Advocate  
for respondents No.2 (C) & 2(D)

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**PANKAJ JAIN, J. (ORAL)**

1 While issuing notice of motion on 21.03.2025 the following order  
was passed :-

*“Counsel for the petitioner inter alia submits that while deciding application filed under Order 41 Rule 27 Code of Civil Procedure, the Court was required to test the case of the petitioner on all the three grounds as enumerated under Order 41 Rule 27 as they have been joined with the expression ‘or’ not ‘and.’*

*Without ascertaining whether the evidence is necessary for the adjudication and for pronouncement of the judgment, application has been dismissed solely on the ground that the sanction of map/site plan was in the knowledge of the petitioner.*

*Notice be issued to respondents No.1 and 2 only for 22.04.2025.*



*Process dasti as well.*

*In the meantime, passing of the final order shall remain stayed.*

*To be shown in the urgent list.”*

2 In view of the admitted position that the impugned order has been passed not at the time of final adjudication of the appeal, but prior thereto, this Court finds that the impugned order cannot be sustained and needs to be set aside.

3 Ordered accordingly.

4 The Lower Appellate Court is directed to test the application filed by the petitioner under Order XLI Rule 27 CPC at the time of adjudicating upon the appeal itself.

5 Needless to say nothing has been observed by this Court on merits and the Court is sanguine that the application shall be adjudicated strictly in accordance with law keeping in view the ingredients as enumerated under Order XLI Rule 27 CPC

6 Petition stands disposed off.

**04.08.2025**  
*Pooja Sharma-I*

**( PANKAJ JAIN )**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No