

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

104

CRR-304-2023

Date of decision: 31.01.2023

Surender Singh Deswal @ Col. S.S. Deswal and othersPetitioners

Versus

Virender Gandhi and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Surjeet Bhadu, Advocate,
Mr. Veer Singh, Advocate and
Ms. Sanya Thakur, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking setting aside of order dated 19.12.2022 passed by the learned Trial Court in CRA No.282 of 2018 vide which an application moved under Section 391 of the Cr.P.C. by the petitioners for leading additional evidence during pendency of the appeal was dismissed.

Learned counsel appearing for the petitioners *inter alia* contends that the learned Appellate Court while passing the impugned order misinterpreted the terms and conditions detailed in the MOU dated 30.11.2013 (Annexure P-3). Learned counsel submits that the application dated 19.10.2020 under Order 1 Rule 10 (Annexure P-9) of the CPC moved before the RERA which the petitioners wanted to adduce by way of additional evidence would surely help in the just and effective adjudication of the matter in dispute between the parties and would also substantiate the defence of the petitioners. He further submits that similar revision bearing No.CRR-115-2023 has already been disposed of by this Court vide order dated 18.01.2023 (Annexure P-11) and the instant revision may also be disposed of in the same

terms.

Notice of motion only to respondent No.1.

At this stage, Mr. Mandeep Singh Khillan, Advocate has put in an appearance and filed his power of attorney on behalf of respondent No.1 which is taken on record.

Learned counsel for respondent No.1 does not oppose the prayer made by counsel for the petitioners that the instant revision petition may also be disposed of in the same terms as Annexure P-11. However, he submits that the petitioners have been engaging in dilatory tactics as unnecessary adjournments are being sought by the petitioners on some pretext or the other.

I have heard learned counsel and perused the relevant material on record.

In view of the no objection given by the learned counsel for respondent No.1, the impugned order 19.12.2022 is set aside and the application under Section 391 of the Cr.P.C. for leading additional evidence (Annexure P-10) moved by the petitioners before the learned Appellate Court is allowed. However, as the appeal in question i.e. CRA No.282 of 2018 has been pending since the year 2018, coupled with the fact that the learned counsel for the parties are ad idem that the said appeal may be decided expeditiously, the learned Appellate Court is directed to decide the aforesaid appeal expeditiously in accordance with law, within a period of one month from the date of receipt of certified copy of this order.

Needless to add here that in case unnecessary adjournments are sought for by the petitioners, the Trial Court after

granting last opportunity to them, would be at liberty to proceed in accordance with law and decide the appeal within one month from the date of certified copy of this order.

Disposed of in the above terms.

31.01.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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