

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>26.06.2023</u>		<p>WPMS No. 1776 of 2023 <u>Hon'ble Alok Kumar Verma, J.</u> In an Appeal (Civil Appeal No. 13 of 2022), filed by the present petitioners-appellants against the respondents, an Application under Order 41 Rule 27 of the Code of Civil Procedure, 1908 was filed by the petitioners-appellants. The said Application has been dismissed by learned Appellate Court vide impugned order dated 15.04.2023.</p> <p>2. Heard Mr. Neeraj Garg, learned counsel for the petitioners and Mr. Vinod Nautiyal, learned Deputy Advocate General along with Mr. Yogesh Pandey, learned Additional C.S.C. for respondent no. 11.</p> <p>3. Mr. Neeraj Garg, Advocate, has submitted that the Application for producing additional evidence in appeal has to be considered at the stage of final hearing of an appeal and not prior thereto. In support of his submissions, he has relied upon a judgment of the Hon'ble Supreme Court in case of "Union of India vs. Ibrahim Uddin",</p>

(2012) 8 SCC 148".

4. Issue notice to respondent nos. 1 to 10 and respondent no. 12.

5. Steps to be taken within a week.

6. List on 04.09.2023.

7. Till then, further proceedings of Civil Appeal No. 13 of 2022, pending before the Court of District Judge, Nainital, are stayed.

**(Alok Kumar Verma, J.)
26.06.2023**

Shiksha

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