

30.5.2008. Present: Mr.B.K. Malhotra, counsel for the appellant.
Mr.G.R. Palsra, counsel for respondents No.1 to 12.

Heard. The appeal is admitted on the following substantial questions of law:

1. Whether the suit for declaration without asking for the relief of possession is maintainable particularly when the plaintiffs are proved to be out of possession?
2. Whether the Appellate Court below is right in law in ignoring the judgment/decreed of Civil Suit No.53/95 and whether the reasonings for this purpose given by the court are sustainable in law?
3. Whether the judgment and decree of the Appellate Court are vitiated on account of misreading and non-consideration of relevant evidence produced by the appellant?

List for hearing in due course.

CMP No.88 of 2007:

Heard. Parties' counsel agree that the order of status quo may be passed. Therefore, both the parties are directed to maintain status quo possession as it existed on the date of filing of the application, till disposal of the appeal. The application is allowed and stands disposed of accordingly.

May 30, 2008.
(TILAK)

**(V.K. Ahuja),
Judge.**