

RSA No. 97 of 2018

15.11.2019 Present: Mr. Bimal Gupta, Senior Advocate with Ms. Poonam Moghta, Advocate, for the appellants.
Mr. Sunil Mohan Goel and Mr. Paras Dhaulta, Advocates, for the respondent.

RSA No. 97 of 2018

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

“(1) Whether the findings of learned first Appellate Court are based upon misinterpretation, misreading and misconstruction of pleadings/evidence, oral as well as documentary on record, which has resulted into perversity?

(2) Whether the learned Court below has rightly not taken the adverse inference for non-production of gift deed and mutation alleged to have been attested on the basis of said gift deed?”

CMP No. 1832 of 2018

No reply to the application has been filed.

Heard. After hearing the learned counsel for the parties and going through the record, this Court finds that in case during the pendency of the appeal, nature of the suit property is changed, the applicant will suffer irreparable loss and appeal will become infructuous. So, taking into consideration the balance of convenience, irreparable loss and the fact that the appeal is pending adjudication, it is ordered that till final disposal of the appeal, parties to maintain status quo, qua nature, construction and alienation of the suit property. The application stands disposed of.

However, the respondent will be at liberty to move an appropriate application for variance of this order, as and when required.

Copy *dasti*.

(Chander Bhusan Barowalia)
Judge

November 15, 2019
(raman)