



2025:HHC:40180

RSA No. 85 of 2019

21.08.2019 Present: Mr. Vinod Thakur, Advocate, for the appellant.

Mr. Bhuvnesh Sharma and Mr. Ramakant Sharma,
Advocates, for the respondent.

Admit on the following substantial questions of law:-

- 1. Whether the learned lower appellate court being last court of fact is right in not considering the entire oral as well as documentary evidence and law applicable in this behalf as required of it, in view of the law laid down by the Hon'ble Apex Court reported in 2017 (2) HLR (SC) 846?*
- 2. Whether the impugned judgment and decree are the result of complete misreading, mis-interpretation as well as mis-appreciation of the provisions of Sections 34 to 38 of the Specific Reliefs Act?*

CMP No. 1768 of 2019

In view of the admission of the appeal, the interim order dated 13.03.2019 is made absolute during the pendency of the appeal.
Application stands disposed of.

Alteration, modification and vacation, on motion.

(Tarlok Singh Chauhan)
Judge

August 21, 2019.
(sanjeev)