

RSA No. 109 of 2017

30.5.2017. Present: Mr. Bhupender Gupta, Senior Advocate, with
Mr. Ajit Pal Singh, Advocate, for the appellant.

Mr. Neeraj K. Sharma, Deputy Advocate
General, for the respondent.

Admit on the following substantial questions of
law:

1. Whether both the Courts below have gravely erred in law and jurisdiction in declining the relief of declaration to plaintiff-appellant by misunderstanding the true import of the relevant provisions of H.P. Land Revenue Act as well as H.P. Village Common Land Act concluding that civil court has no jurisdiction?
2. Whether the Lower Appellate Court has acted in excess of jurisdiction in holding that the jurisdiction of Civil Court qua the relief of declaration is barred and thereby proceeded to non-suit the plaintiff by misunderstanding the true import of the rulings quoted in impugned judgment and decree?
3. When the exclusive possession of plaintiff-appellant over the suit land was not disputed by defendant-respondent, have not both the Court below recorded illegal, arbitrary, erroneous and perverse findings holding that plaintiff-appellant is not owner of the suit land but is in unauthorized possession thereof by misapplying the relevant provisions of law as well as the ratio of the ruling quoted in the impugned judgment and decree?

May 30, 2017.
(GR)

(Tarlok Singh Chauhan),
Judge