

**RSA No. 162 of 2019**

**18.12.2019 Present:** Mr.R.K. Bawa, Senior Advocate with Mr.Ajay Kumar Sharma, Advocate, for the appellants.

Mr.Vivek Sharma, Advocate, for respondent No. 1.

Mr.Anil Chauhan, Advocate, for respondent No. 2.

Heard. Admitted on the following substantial questions of law.

- (1) Whether the Courts below have misconstrued, misinterpreted and misread the pleadings and oral as well documentary evidence on record, resulting into perversity in the findings?
- (2) Whether judgment and decree passed by the Courts below are un-executable for want of proper identification of alleged offending projection over-hanging, as claimed by plaintiff?

Record be requisitioned. List for hearing in due course.

**CMP No. 3683 of 2019**

No reply is intended to be filed on behalf of respondent No. 2, whereas no reply has been filed by respondent No. 1.

Main appeal has been admitted, as arguable points have been raised in favour of appellants. Being so, order dated 2.5.2019 is made absolute during pendency of appeal, subject to alteration/modification/vacation on modification. The application stands disposed of.

**(Vivek Singh Thakur),  
Judge.**

**18<sup>th</sup> December, 2019**  
(Keshav)