

RSA No. 256 of 2016

18.06.2018 Present: Mr. R.K. Bawa, Senior Advocate with Mr. Vinod Thakur, Advocate, for the appellants.

None for the other respondents.

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

“(1) Whether once it is proved that the Local Commissioner has carried out demarcation at the spot in accordance with law, rules and instructions issued by Financial Commissioner, Himachal Pradesh, and has submitted his report, learned first Appellate Court has erred in law by ignoring report of the Local Commissioner i.e., Ext. OW-1/A and Tatima, Ext. OW-1/D showing encroachment made by the respondents-defendants over the suit land, and thus the findings are perverse?”

(2) Whether grave prejudice has been caused to the appellants-plaintiffs due to the fact that learned first Appellate Court has misread and mis-interpreted the pleadings of the parties and material evidence on record of the case including Ext. OW-1/A and field book and map Ext. OW-1/D showing encroachment made by the respondents-defendants and the findings are perverse?”

Issue post admission notice to the respondents returnable within four weeks, on taking steps within a week.

**(Chander Bhusan Barowalia)
Judge**

June 18, 2018
(raman)