

29.11.2016

Present: Mr. G.D. Verma, Sr. Advocate with Mr. B.C. Verma, Advocate, for the appellants.

Mr. Amit Jamwal, Advocate vice counsel for the respondents.

Preliminary hearing upon admission conducted.

Record perused. After perusal of record carefully Court is of the opinion that prima facie there are sufficient grounds for admission of appeal as there are material dispute inter-se the parties qua facts and laws. Arguable points are also involved in appeal. Hence appeal is admitted for hearing upon merits on the following substantial questions of law:-

- 1) Whether findings of reversal of the judgment and decree passed by learned Civil Judge Court No.3 Hamirpur dated 21.12.2012 in appeal by the learned Additional District Judge Hamirpur dated 23.4.2016 are vitiated on account of misreading, mis-appreciation and misconstruction of pleadings of the parties as well as oral and documentary evidence on record?
- 2) Whether no legal and valid reasons have been recorded by learned Additional District Judge Hamirpur for reversing well reasoned judgment by learned Trial Court dated 21.12.2012?
- 3) Whether inferences and conclusions as drawn by learned First Appellate Court are contrary to the pleadings as well as material on record and also contrary to provisions of law?
- 4) Whether appellant No.1 has been acting as a Priest/Manager of the deity co-appellant No.2 since the time of death of his father w.e.f year 1995 and prior to 1995 his father Sh. Mahant Ram was performing duties of a Priest and Manager w.e.f 1968 to 1995 and whether valuable right has accrued in favour of co-appellant No.1?

Be listed for final hearing in due course of time.

Dasti copy.

29th November, 2016
(kck)

(P.S. Rana)
Judge.