

**Mata Chintpurni Mandir Committee &
anr. vs. Raj Pal & anr.**

RSA No.502 of 2015

21.07.2023

Present: Mr.Dilip Sharma, Sr. Advocate with Mr. Tejasvi Dogra, Advocate, for the appellants.

Mr. K.D.Sood, Sr. Advocate, with Mr.Het Ram Thakur, Advocate, for the respondents.

After hearing the parties for some time, the appeal is liable to be admitted on the following substantive questions of law:

- 1. Whether the report of Local Commissioner, Ex.PX is vitiated on account of the fact the Local Commissioner demarcation without following the guidelines laid down by Financial Commissioner?**
- 2. Whether the judgment of learned Trial Court as also that of learned Appellate Court is vitiated on account of taking into consideration the report of Local Commissioner, Ex. PX which was prepared without any separate Tatima prepared by Local Commissioner and by showing alleged encroachments on the same plan and Tatima which was attached by the plaintiff with the plaint?**
- 3. Whether the rejection of application of appellants to adduce additional evidence under Order 31 Rule 27 CPC, which goes to the root of the matter and is necessary for deciding the real controversy, has vitiated the judgment and decree of learned Appellate Court?**

List as per the roster.

CMP No.10670 of 2015

Since, the main appeal has been admitted for hearing, disposal thereof will take sufficient long time,

as such, during the pendency of the main appeal, the operation of impugned judgment and decree dated 18.09.2010 passed by learned Civil Judge (Junior Division) Court No.II, Amb, District Una, HP, in Civil Suit No.109 of 1997 titled as Anant Ram vs. Mata Chitpurni Mandi Committee, Chintpurni and another is ordered to be stayed. Application is thus disposed of.

CMP No.10672 of 2015

Pleadings in the application are complete. List along with the main appeal.

(Virender Singh)
Judge

July 21, 2023
(*pathania*)