

RSA No. 491 of 2018

26.11.2018 Present: Mr. Romesh Verma, Advocate, for the appellant.

Admit on the following substantial questions of law:-

1. *Whether the findings recorded by both the Courts below are vitiated on account of misreading, mis-appreciation and misconstruction of the pleadings of parties as well as oral and documentary evidence on record.*
2. *Whether Sale Deed Exhibit DW-1/B dated 04.04.1975 and receipt Exhibit DW-1/C were executed by plaintiff No. 1 Shri Dalip Singh in favour of S/Shri Shankar Dass and Uttam Chand against the sale consideration of Rs.1000/- with respect to the suit land, but this Deed was not registered and the learned trial Court held the same to be an agreement for sale, therefore, defendant is entitled for the benefit of provision of Section 53(A) of Transfer of Properties Act and she having been delivered possession, therefore, suit was required to be dismissed, inter alia for the reasons that the purchasers and their successors have developed the land in question.*
3. *Whether there are material admissions on the part of the plaintiffs about the claim of appellant including in document Exhibit DW-1/B and Exhibit DW-1/C which have wrongly been ignored and thus, findings are liable to be reversed.*

CMP No. 11237 of 2018

Certified copy of learned trial Court judgment be filed within four weeks. Application stands disposed of.

CMP No. 11236 of 2018

In view of the admission of the appeal, the operation and execution of the judgment and decree as passed by

learned Civil Judge (Senior Division), Rampur Bushaher, dated 15.09.2016 in Civil Suit titled as *Dalip Singh and others vs. Bimla Devi* as affirmed by the learned Additional District Judge, Kinnaur District at Rampur Bushaher in Civil Appeal No. 10-R/13 of 2016, dated 26.10.2018 is ordered to be stayed.

Copy dasti.

(Tarlok Singh Chauhan)
Judge

November 26, 2018
(sanjeev)