

**RSA No.130 of 2016.**

22.9.2016

Present: Mr. Ajay Sharma, Advocate, for the appellant.

Mr. P.S. Goverdhan, Advocate, for the respondent.

Learned counsel appearing on behalf of the appellant submits that he shall file the certified copy of the learned trial Court judgment within a period of six weeks from today.

**RSA No.130 of 2016.**

**Admit** on the following substantial questions of law :

1. Whether document Ex.DW2/D and Ex.D-1 being not proved in law, but despite that having been read in evidence by learned Courts below thereby vitiating the impugned judgments and decrees ?
2. Whether document Ex.PW2/A has been misread and misappreciated by the learned Courts below thereby vitiating the impugned judgments and decrees and the findings are perverse ?

Hearing be expedited.

**CMP No.2404 of 2016.**

The present application under Order 39 Rules 1 and 2 read with section 151 CPC, is maintained by the applicant/appellant. It is averred in the application that in case the respondent will change the nature of the suit land during the pendency of the appeal, the very purpose of filing the appeal will be frustrated. This Court finds that as the appeal is pending adjudication, in case the respondent will change the nature of the suit land, the same will give rise to the multiplicity of litigation. So, it is ordered that the respondent will not change the nature of the suit land till the final disposal of the appeal. Ordered accordingly. The application stands disposed of.

22<sup>nd</sup> September, 2016  
(CS)

**(Chander Bhusan Barowalia)**  
**Judge**