

SA No. 75 of 2015

Hon'ble U.C.Dhyani, J.

Mr. Pankaj Miglani, Advocate, present for the appellant.

Mr. Piyush Garg, Advocate, present for the respondent no.1.

Present Second Appeal has been filed being aggrieved against the judgment & decree dated 10.02.2015 passed by District Judge, Dehradun, in Civil Appeal No. 142 of 2013, captioned as B.K.Mittal vs. Sakya Centre & others and judgment & decree dated 07.09.2013, passed by the Civil Judge (S.D.), Dehradun in O.S. No. 433 of 1994, B.K.Mittal vs. Sakya Centre & others.

Admit the Second Appeal on the following substantial questions of law:

“1. Whether the learned Courts below have committed a mistake of law in not considering the terms of sale deed in favour of the plaintiff-appellant executed by deceased-defendant no.2 which was admitted to the parties?”

2. Whether the learned courts below were justified in holding that the settlement between the plaintiff and the defendant no. 2, for keeping the lawn as such, is void without referring to any provision of law?

3. Whether the learned Courts below were justified in holding that the settlement between the parties regarding Hawa Mahal has not been properly and sufficiently proved without referring the mode of proof which was lacking?”

Issue notice to the respondents no. 2, 3 & 4. Steps be taken within a week.

List after the notices are served upon them.

Summon the lower court record in the meantime.

Once the respondents no. 2, 3 & 4 are served, the parties will be required to come for amicable settlement of the dispute before the Mediation Centre, but for that, a date will be fixed only on the next occasion.

(U.C.Dhyani, J.)

15.05.2015

