

SA No. 126 of 2013

U. C. Dhyani, J.

Mr. Siddhartha Singh, Advocate present for the appellant.

Mr. Alok Mahara, Advocate present for the respondents.

Present second appeal has been preferred by the plaintiffs-appellants being aggrieved against the judgment and decree dated 11.07.2013 passed by Additional District Judge / Special Judge, C.B.I., Nainital in Civil Appeal No. 55 / 2008, whereby the judgment and decree dated 04.11.2008 passed by learned Civil Judge (JD), Haldwani, District Nainital was affirmed.

Admit the second appeal on the following substantial questions of law:

“(i) As to whether both the courts below have erred in law in dismissing the suit on the ground of limitation ignoring/condoning the time spent in revenue courts seeking the declaration of being Bhumidhar with transferable rights incidentally challenging the disputed sale deed and ignoring the provisions of Order 7 Rule 6 CPC read with Article 58, 59 of the Limitation Act?”

“(ii) As to whether a power of attorney holder entrusted with the management of the property can execute the sale deed of the property in absence of any specific rights of transfer being mentioned in the power of the attorney?”

It is provided, as an interim measure, that the parties shall maintain status quo over the suit property till further orders of this Court. Stay application is disposed of.

Lower Court Record be summoned. List after the Lower Court Record is received.

(U. C. Dhyani, J.)

04.08.2015

SH