

SA No. 115 of 2015

Hon'ble U.C.Dhyani, J.

Mr. T. A. Khan, Senior Advocate, assisted by Mr. Aditya Kumar Arya, Advocate, present for the appellant.

Present Second Appeal has been preferred by the plaintiff-appellant being aggrieved against the judgment and decree dated 24.07.2015, passed by learned 1st Additional District Judge, Haldwani, District Nainital, in Civil Appeal No. 12 of 2012, whereby learned First Appellate Court has decreed the counter claim of the defendant/respondent in Civil Suit No. 64 of 2008.

Heard.

Admit the appeal on following substantial questions of law:

1. *Whether the learned First Appellate Court committed illegality by not appreciating the report of Advocate Commissioner ?*

2. *Whether any land can be identified without meets and bounds and without actual measurement of the boundaries?*

Issue notice to the sole respondent. Steps be taken within a week.

List after the notice is served upon her.

Lower Court Record may be summoned in the meanwhile.

After hearing learned counsel for the appellant and after considering the grounds taken up in the Second Appeal, it is provided, as an interim measure that, *status quo* as on today, shall be maintained by the parties on the suit property till further order.

(Interim stay application No. 8850 of 2015 stands disposed of)

(U.C.Dhyani, J.)

05.08.2015