

SA No. 76 of 2014

U. C. Dhyani, J.

Mr. Piyush Garg, Advocate present for the appellants.

This Second Appeal is directed against the judgment and decree dated 28.4.2014 passed by learned District Judge, Uttarkashi in Civil Appeal No.16/2011, whereby the said court dismissed the appeal and affirmed the judgment and decree dated 14.10.2011 passed by the Civil Judge (J.D.), Purola, District Uttarkashi in Original Suit No.2/2011.

Heard

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

- “(i) Whether the fact of partition, if admitted to all the co-owners including the plaintiff, can be ignored only for the reason that the same is not recorded in the revenue records?
(ii) Whether the judgments rendered by both the courts below are vitiated in the law on account of non-recording of any finding and for non-deciding the issue no.2?”*

Issue notice to the respondent no.1 only. Steps to be taken within a week.

List this matter after the notice is served upon the said respondent. Summon the lower court record, in the meanwhile.

Having considered the submissions of learned counsel for the appellants and after going through the impugned judgments and decrees passed by the courts below, it is provided, as an interim measure, that no third party interest shall be created by the respondents on the property in question, till further orders of this Court.

Stay application no.6592/2014 stands disposed of accordingly.

(U. C. Dhyani, J.)

Dated 27.06.2014

Rawat