

SA No. 193 of 2015

Hon'ble Servesh Kumar Gupta, J.

Mr. M.S. Tyagi, Advocate for the appellant.

Having heard the learned counsel for the appellant, the appeal is hereby admitted on the following substantial questions of law:

1. *Whether the impugned sale deed dated 05.07.2003 is hit by the provisions of Section 52 of the Transfer of Property Act, 1882 as the same has been executed during the proceedings of suit no.95 pending before Consolidation Officer, Roorkee under Section 9 A(2) of U.P. Consolidation of Holdings Act, 1953.*
2. *Whether both the courts below have given perverse findings regarding the insufficiency of pleadings regarding the rights of the appellant in the disputed property and dismissed the suit illegally.*
3. *Whether the impugned judgments and decrees are against the provisions of Section 49 of U.P. Consolidation of Holdings Act, 1953.*

Issue notice to the respondents.

Steps be taken within three days.

Call the Lower Court records.

List thereafter.

Meanwhile, it is hereby directed that none of the party shall create any third party interest in the disputed property and shall maintain the *status quo* at the spot.

Stay application (CLMA No.13199 of 2015) stands disposed of accordingly.

(Servesh Kumar Gupta, J.)

21.12.2015