

Hon'ble Servesh Kumar Gupta, J.

Mr. M.S. Tyagi, Advocate for the appellants, appears and submits that on the date of filing this appeal, certain documents were left to be filed, so through this application (IA 1646/16), he seeks to bring such documents on record which are already the part of LCR. So, looking to these facts, this application is allowed. The papers, sought to be filed with the application, are, accordingly, taken on record.

Also heard on the point of admission.

It appears that a prohibitory and mandatory injunction was sought in O.S. No.20 of 2001 against the defendants and such suit was decreed on 30.6.2015, whereby the defendants were directed, *inter alia*, to dismantle a part of lintel which they had constructed towards the property of the plaintiff. That judgment was challenged in F.A. No.20 of 2015, which has been allowed on 30.11.2015 by the District Judge, Almora, where-against the present second appeal has been preferred.

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

1. *“Whether the learned lower Appellate Court has erred in law in not formulating the point of determination in deciding the appeal and violating the principle of law enshrined in Order 41 Rule 31 CPC?”*
2. *Whether learned First Appellate Court has wrongly ignored the admitted facts on record specially the compromise dated 24.1.2000*

while passing the impugned judgment and decree?

3. *Whether learned First Appellate Court has wrongly relied upon the survey report dated 12.6.2014 while passing the impugned judgment and decree though it was rejected by order dated 10.11.2014 by the Court?"*

Issue notices to the sole respondent.
Steps within two weeks.
Also, summon the LCR.
List in due course.

(Servesh Kumar Gupta, J.)
21.03.2016