

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>SA No. 104 of 2021</p> <p><u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>No representation for the appellant.</p> <p>Mr. Tapan Singh, Advocate for the respondents.</p> <p>Learned counsel for the respondents submits that the suit filed by the appellant-Kanhiya Lal was partly decreed by the learned Trial Court; he filed first appeal, which was dismissed. After dismissal of his first appeal, appellant-Kanhiya Lal has filed this second appeal. He further submits that Kanti Devi and Deepak Kumar (respondents herein) had also filed first appeal, which was numbered as Civil Appeal No. 23 of 2006, which was dismissed for default by the first appellate Court. The application seeking recall of the order of dismissal was rejected by the first appellate Court. Thereafter, respondents filed Writ Petition No. 1536 of 2015, which was allowed, the order passed under order 41 Rule 19 passed by first appellate court was set aside and the matter was relegated back to the first appellate court. He further submits that since, the Lower Court Record has been summoned in the present second appeal,</p>

therefore in the absence of the records the first appellate court is unable to proceed any further. He therefore submits that the Registry be directed to send back the Lower Court Record to the court of Additional District Judge/F.T.C Haldwani where Appeal No. 23 of 2006 is pending.

In view of the submission made by Mr. Tapan Singh, Registry is directed to send back the Lower Court record to the Court of Additional District Judge/F.T.C Haldwani within two weeks.

Misc. Application (I.A. No. 1 of 2021) stands disposed of.

(Manoj Kumar Tiwari, J.)

11.11.2021

Shubham

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