

**Court No. - 31**

**Case :-** SECOND APPEAL No. - 927 of 2018

**Appellant :-** Ramesh

**Respondent :-** Dinesh Kumar Verma

**Counsel for Appellant :-** Ram Kishore Pandey, Himanshu Pandey

**Hon'ble Mrs. Vijay Lakshmi, J.**

The appellant was defendant in Original Suit No. 322 of 1999 which was dismissed by the trial court vide judgment and order dated 6.2.2018.

The plaintiff filed an appeal against the aforesaid judgment which was allowed.

Now, the defendant-appellant is before this Court in second appeal.

Heard learned counsel for the appellant on the point of admission and perused the record.

The appeal is admitted on the following substantial questions of law:-

(i) Whether the lower Appellate Court has erred in law by allowing the appeal without reversing the findings recorded by the Trial Court?

(ii) Whether the lower Appellate Court has committed illegality in drawing adverse findings against the appellant with regard to execution of agreement to sell only on the basis of the fact that the deed for agreement to sell was a registered deed, which does not required any further proof?

(iii) Whether the lower Appellate Court has committed error in law in not properly framing the point of determination as required to be framed under Order 41 Rule 31 of C.P.C.?

Issue notice to respondents returnable at an early date.

Steps for issuance of notice be taken by both ways within 10 days.

Summon the lower court's record. Learned counsel for the appellant shall deposit the expenses within 10 days as per Rules.

List on 15.11.2018.

The operation of the impugned order dated 25.7.2018 shall remain stayed till the next date of listing.

**Order Date :-** 12.9.2018/Harshita