

ITEM NO.18

COURT NO.9

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).22713/2011

(From the judgement and order dated 15/03/2011 in SA No. 17/2011  
of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

STATE OF UTTARAKHAND &amp; ANR.

Petitioner(s)

VERSUS

BABA NIHAL SINGH

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for  
interim relief and office report)

Date: 26/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. Abhishek Atrey, Adv.

Mr. Vishal Yadav, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

This petition is directed against order dated 15.03.2011  
passed by the learned Single Judge of the Uttarakhand High Court  
whereby he summarily dismissed the second appeal preferred by the  
petitioners against the judgment of the lower appellate Court which  
had decreed the suit for injunction filed by the respondent.

Although the order under challenge is not happily worded,  
we are not inclined to entertain the special leave petition because  
the petitioners have not been able to show that the finding of fact  
recorded by the lower appellate Court on the issue of applicability

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of Section 41 of the Land Revenue Act is perverse.

The special leave petition is accordingly dismissed.

(Satish K. Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master