

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	19.10.2022		<p>SA No.107 of 2022</p> <p><u>Hon'ble Alok Kumar Verma, J.</u></p> <p>The proposed Second Appeal has been filed against the judgment and decree dated 14.06.2022, passed by the learned Additional District Judge, Tehri Garhwal in Civil Appeal No.15 of 2017, "Sunil Kandwal vs. Baba Kali Kamli Wala", by which, the said civil appeal, filed against the judgment and decree dated 18.11.2017, passed in Original Suit No.11 of 2015, has been dismissed. The said Original Suit was decreed.</p> <p>Heard Mr. Sudhir Kumar and Mr. V.K. Kaparwan, learned counsel for the proposed appellant and Mr. Piyush Garg, learned counsel for the caveator/respondent no.1 - plaintiff no.1.</p> <p>Having heard the learned counsel for the parties, the present Second Appeal is being admitted on the following substantial questions of law:-</p> <p>"(i) Whether the present suit was maintainable, when the initial suit no.40 of 1988, "Dhruv Mandir Vs. Baldev Sahai, Manager Baba Kali Kamli Wala", between the same parties in regard to</p>

same disputed property was dismissed by negating the claim of both the parties?

(ii) Whether both the courts below have concurrently fallen in error by misreading the judgment dated 09.09.1998 passed in Original Suit No.40 of 1988 "Dhruv Mandir Vs. Baldev Sahai, Manager Baba Kali Kamli Wala", and presuming the possession of the plaintiff while passing the decree?

(iii) As to whether non reading of the document on record or recording perverse finding or misreading of the document will itself render the judgment to be perverse."

Issue notice to the remaining respondents.
Steps to be taken within a week.

List this case on 20.12.2022 along with SA No.86 of 2022.

(Alok Kumar Verma, J.)
19.10.2022

Pant/

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