

**RSA No.580 of 2015**

6.01.2016 Present: Mr. Pradeep Kumar, Proxy counsel, for the appellant.

Ms. Anita Dogra, Proxy counsel, for the respondent.

Heard. Admitted on the following substantial question of law.

1. Whether on account of misappreciation of the pleadings and law and also misreading of the oral as well as documentary evidence available on record, the findings recorded by Courts below are erroneous and, as such, the judgment and decree impugned in this appeal being perverse and vitiated is not legally sustainable?

**CMP No.12119 of 2015**

Heard. The nature of the relief sought in this application cannot be granted for the reasons that the suit has been dismissed and there is no decree, the execution whereof has to be stayed. The application, therefore, is dismissed with liberty reserved to the applicant/appellant to file afresh in accordance with law. The application is accordingly disposed of.

**(Dharam Chand Chaudhary)  
Judge**

January 6, 2016  
(shankar)