

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Second Appeal No.24 of 2012

Rotary Club Haridwar

.....Petitioner

Versus

Dr. Hariram Arya Inter College Mayapur

& others

.....Respondents

Present:- Mr. Arvind Vashishta, Senior Advocate assisted by Mr. K.R. Gazi, Advocate for the petitioner.
Mr. Rajendra Dobhal, Senior Advocate assisted by Mr. D.C.S. Rawat, Advocate for respondent nos. 3 to 5.

Hon'ble Sudhanshu Dhulia, J. (Oral)

Orders passed in MCC No. 661 of 2016.

2. There were two second appeals before this Court i.e. Second Appeal No. 118 of 2011 and Second Appeal No. 24 of 2012. As regarding the Second Appeal No. 24 of 2012, the same was admitted by this Court on 03.04.2012 with the following substantial question of law:-

“Whether the lower appellate court has erred, in law, while rejecting the appeal on the grounds of limitation?”

3. Now after consideration of substantial question of law on merits, on which it was admitted, both the appeals were dismissed by this Court vide judgment and order dated 23.06.2016 but in the final operative portion it has not been shown that the Second Appeal No. 24 of 2012 has also been dismissed vide judgment and order dated 23.06.2016.

4. It is made clear that Second Appeal No. 24 of 2012 was admitted on a limited substantial question of law, which is already referred above and since the entire issues have already been considered by this Court in Second Appeal No. 118 of 2011, there is no occasion for this Court to deal with Second Appeal No. 24 of 2012 separately.

5. However, for abundant precaution, it is made clear that Second Appeal No. 24 of 2012 also stands dismissed.

6. This order shall be read as a part of the judgment and order dated 23.06.2016.

7. Modification application (MCC No. 661 of 2016) stands disposed accordingly.

(Sudhanshu Dhulia, J.)
28.10.2016

Ankit