

**Date of decision: 14.02.2017**

**RSA No.1245 of 1991**

Vs.

Present: Mr. Ashok Kumar Sharma, Advocate,  
for the appellants.

**RAJIV NARAIN RAINA, J. (ORAL)**

Still further, learned counsel for the Board could not point out any illegality in the judgment and decree passed by the learned first Appellate Court and that any evidence has not taken into consideration or has been misread. Findings of fact recorded by the first Appellate Court cannot be permitted to be disputed by re-appreciation of evidence in second

appeal where even an error of fact is not open to correction so long as justice has been done.

Thus, I see no useful purpose in keeping this appeal pending any further and would dismiss it by accepting the reasoning of the lower Appellate Court as sound in law and fact based on the materials on record.

**14.02.2017**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**

*Whether speaking/reasoned:* *Yes*

*Whether Reportable:* *No*