

Second Appeal No. 277 of 2019

Gautam Bai **Versus** Melanram & another

15/01/2020	<p>Mr. R.K. Pali, counsel for the appellant/plaintiff.</p> <p>Mr. Anshuman Rabra, PL for the State / respondent No. 2.</p> <p>Heard on admission and formulation of substantial question of law.</p> <p>The second appeal is admitted and shall be heard on the following substantial questions of law :-</p> <p>“ 1. Whether first appellate Court was justified in reversing the judgment & decree of the trial Court without setting aside the decree of the trial Court on the question of Will, which was found established by the trial Court, by recording a finding, which is perverse to the record ?</p> <p>2. Whether first appellate Court was justified in reversing the judgment and decree of the trial Court on the ground that plaintiff has taken inconsistent plea with regard to her fatherhood in the plaint and during course of the trial, by recording a finding, which is perverse to the record ?</p> <p>Issue notice to respondents on merits of the appeal along with a copy of substantial question of law on payment of process fee within seven days making it returnable within four weeks.</p> <p>Also issue notice on I.A. No. 1, application for grant of stay, as above.</p> <p>In the meanwhile, third party right shall not be created in the suit property.</p> <p>Certified copy, as per rules.</p> <p style="text-align: right;">Sd/- (Sanjay K. Agrawal) Judge</p>
D/-	
