

GAHC010003422016



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : RSA 200/2018

1:UNION OF INDIA
REPRESENTED BY ITS GENERAL MANAGER, N.F. RAILWAYS, MALIGAON,
GUWAHATI-11

VERSUS

1:BALWANT RAI
S/O LATE RAJ KISHORE RAI, UDAYCHAL PATH, CHRISTIAN BASTI, G.S.
ROAD, DISPUR, GUWAHATI, ASSAM.

Advocate for the Petitioner : MR.D K DEY

Advocate for the Respondent : MR Z MUKIT

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 20-08-2018

Heard Mr. D.K. Dey, learned counsel for the appellant. Also heard Mr. H.K. Baruah,
learned counsel appearing for the respondent.

Admit the appeal.

Issue notice returnable in six weeks.

Since the respondent is already represented by Mr. Baruah, no formal notice is required to
be sent in this case.

Call for the LCR.

This second appeal will be heard on the following substantial questions of law :-

- “1. Whether the decision and conclusion of the learned lower appellate Court holding that the respondent/plaintiff is entitled to recover the decretal amount from the appellant is vitiated by perversity ?
2. Whether the learned lower appellate Court has misinterpreted the true purport and intent of section 114 of the Indian Evidence Act and thereby erroneously shifted the burden of proof upon the defendant ?
3. Whether the impugned judgement and decree passed by the lower appellate Court contravenes the mandate of Order XLI Rule 31 of the CPC?”

The appellant will be at liberty to urge any other substantial question of law at the time of hearing with the leave of the Court.

JUDGE

Sukhamay

Comparing Assistant