

RSA 209/2012

BEFORE

THE HON'BLE MR. JUSTICE B D AGARWAL

Heard Mr. M Dutta, learned counsel for the petitioners. None appeared for the respondents.

The second appeal is admitted for hearing on the following substantial questions of law:

(i) Whether in the absence of specific prayer for setting aside the exhibit A and B sale deed dated 23.3.60 and 19.12.61 respectively, or declaration that these deeds were null and void, the learned appellate court could have allowed the suit of the plaintiff for declaration of their right title and interest over the suit land?

(ii) Whether in view of the fact that the claim of the defendant NO.1 over the suit land was based on the sale deed dated 23.3.60 and 19.12.61, the suit of the plaintiff was barred by limitation?

(iii) Whether the judgment and decree of the learned first appellate court is perverse and bad in law because of the failure of the learned appellate court to discuss and give specific findings against all the issues framed including the issue on limitation?

(iv) Whether in the absence of any specific findings and reasons for negating the findings of the learned trial court on issue no.6, more particularly the findings on possession of the defendant/ appellant over the suit land, the judgment and decree of the learned appellate court is bad in law?

Call for the LCR.

List the case for order on 14.3.2013.