

RSA 91/2017
BEFORE
HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA

Heard Mr. A Sattar, learned counsel appearing on behalf of the appellant.

This second appeal is admitted on the following substantial question of law:

1. For that, the substantial question of law is whether the first appellate court being the last court of fact and law was right in deciding the appeal without discussing the evidence on record as required under Section 96 of the CPC, 1908.

2. For that the substantial question of law is that whether the courts below were right in dismissing the suit of the appellant/plaintiff by applying the doctrine of lis-pendens when admittedly the sale deed standing in the name of the appellant/plaintiff's vendor namely Smti. Runuma Kalita was executed by Nurul Islam Borbhuiyan (defendant of T.S. No. 350/1995) much prior to the filing of T.S. No.350/1995 and neither the said Smti. Runuma Kalita nor the appellant was made party to T.S. No.350/1995.

Any other substantial question of law that may be formulated at the time of hearing.

Let LCR be called for.

Appellant shall take steps on the respondents within a period of three days from today both by way of registered post with A/D and usual process returnable on 21.08.2017.