

GAHC010062882020



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

Case No. : RSA/182/2022

HAJI MD. BOLAI MIA
S/O LATE HAJI INTAJ ALI, RESIDENT OF VILLAGE BERAJAL, PO AND PS
NILAMBAZAR, DIST KARIMGANJ, ASSAM

VERSUS

MD. KHAIRUL ISLAM AND 3 ORS
S/O HAJI ABDUL SUKKUR, R/O VILLAGE BENUGRAM, PROGONA DEWADI,
PO AND PS NILAMBAZAR, DIST KARIMGANJ.

2:MD. FAKRUL HAQUE
S/O HAJI ABDUL SUKKUR
RESIDENT OF VILLAGE BENUGRAM
PROGONA DEWADI
PO AND PS NILAMBAZAR
DIST KARIMGANJ

3:SHUKLA DHAR
W/O LATE DILIP RANJAN DHAR
RESIDENT OF VILLAGE ISWARSHREE

PROGONA DEWADI
PO AND PS NILAMBAZAR
DIST KARIMGANJ

4:DEBOJYOTI DHAR
S/O LATE DILIP RANJAN DHAR
RESIDENT OF VILLAGE ISWARSHREE

PROGONA DEWADI
PO AND PS NILAMBAZAR
DIST KARIMGAN

Advocate for the Petitioner : MR. S P CHOUDHURY

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

19.12.2022

Heard the learned counsel Mr. S.P.Choudhury, appearing for the appellant.

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

1. Whether the learned lower appellate court misconstrued the provision of Section 101 of the Evidence Act and thereby has arrived at an erroneous finding?

2. Whether the learned lower appellate court passed the impugned judgment and decree in contravention of the provisions of Order XLI Rule 31 of the Code of Civil Procedure?

3. Whether the Sale Deed as exhibited by the plaintiff is hit by Section 32 of the Registration Act in view of the evidence available on record?

Issue notice to the respondents.

The appellant shall take steps for service of notice upon the respondents by registered post with A/D.

Call for the LCR.

List after 4(four) weeks.

JUDGE

Comparing Assistant