

GAHC010098292022



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

Case No. : RSA/125/2022

GANESH KANU AND 6 ORS.

S/O- LATE CHEDILAL KANU, R/O- DHEKIAJULI TOWN, WARD NO. 6, P.O.,
P.S. AND MOUZA- DHEKIAJULI-784110, DIST. SONITPUR, ASSAM

2: SMTI PANMATI KANU

W/O- LATE CHEDILAL KANU

R/O- DHEKIAJULI TOWN

WARD NO. 6

P.O.

P.S. AND MOUZA- DHEKIAJULI-784110

DIST. SONITPUR

ASSAM

3: SANJOY KANU

S/O- LATE CHEDILAL KANU

R/O- DHEKIAJULI TOWN

WARD NO. 6

P.O.

P.S. AND MOUZA- DHEKIAJULI-784110

DIST. SONITPUR

ASSAM

4: GOBINDA KANU

S/O- LATE CHEDILAL KANU

R/O- DHEKIAJULI TOWN

WARD NO. 6

P.O.

P.S. AND MOUZA- DHEKIAJULI-784110

DIST. SONITPUR

ASSAM

5: ANUP KANU

S/O- LATE CHEDILAL KANU

R/O- DHEKIAJULI TOWN

WARD NO. 6
P.O.
P.S. AND MOUZA- DHEKIAJULI-784110
DIST. SONITPUR
ASSAM

6: SMTI. LAXMI KANU
D/O- LATE CHEDILAL KANU
R/O- DHEKIAJULI TOWN
WARD NO. 6
P.O.
P.S. AND MOUZA- DHEKIAJULI-784110
DIST. SONITPUR
ASSAM

7: SMTI PUJA KANU
D/O- LATE CHEDILAL KANU
R/O- DHEKIAJULI TOWN
WARD NO. 6
P.O.
P.S. AND MOUZA- DHEKIAJULI-784110
DIST. SONITPUR
ASSA
VERSUS
TRIBENI PRASAD KANU
S/O- LATE JAMUNA PRASAD KANU, R/O- WARD NO. 7, DHEKIAJULI TOWN,
P.O., P.S. AND MOUZA- DHEKIAJULI, DIST. SONITPUR, ASSAM, PIN- 784110.

Advocate for the Petitioner : MR. A SATTAR

Advocate for the Respondent : MR. I H LASKAR

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 22.08.2022.

Heard Mr. S. Sattar, learned counsel for the appellants. Also heard Mr. P.K. Deka, learned counsel for the respondent/caveator.

The appeal is admitted for hearing upon the following substantial questions of law.

(i) Whether the courts below were right in passing the decree for cancellation of the General Power of Attorney No. 13/2003 (Exhibit No. 1) on the ground of forgery and that too without impleadment of all the necessary parties such as the witnesses of the said deed as well as the Sub-Registrar as “defendants” in the suit?

(ii) Whether the courts below were right in the decreeing the suit of the respondent/ plaintiff by ignoring the evidence of DW4 and the handwriting expert which is clear on the point that the signature appearing in the General Power of Attorney (Exhibit 1) was/ is that of the respondent/plaintiff?

(iii) Whether the LTI is sine-qua-non for a document to be registered when the executants is a literate person and have admittedly put his signatures on the said document?

Issue notice.

No formal notice is required to be served upon the sole respondent as because Mr. Deka has entered appearance.

Extra copy of the memo of appeal shall be provided to Mr. Deka.

Call for the LCR.

The appellant shall be at liberty to raise any other substantial question(s) of law at the time of hearing.

On receipt of the LCR, the matter shall be listed for hearing.

JUDGE

Comparing Assistant