

RSA 56/2016
BEFORE

HON'BLE DR. (MRS.) JUSTICE INDIRA SHAH

The judgment and decree dated 06/10/2015 passed by learned Civil Judge, Hailakandi in Title Appeal No. 26 of 2013 affirming the judgment and the decree dated 13/06/2013 passed by learned Munsiff No. 1, Hailakandi, in Title Suit No. 28 of 2006 have been challenged in this appeal.

Heard Ms. R. Choudhury, learned counsel, appearing on behalf of the appellants.

This appeal is admitted on the following substantial questions of law :

1. Whether the learned First Appellate Court below is right in acting as a handwriting expert in comparing the signatures without following the specific provisions of Section 45 of the Indian Evidence Act ?
2. Whether the judgment and decree passed by the learned First Appellate Court is in accordance with Order XLI Rule 31 ?
3. Whether the decision arrived at issue No. 3 by the learned trial court is correct in presence of specific finding that the plaintiffs have valid title ?
4. Whether both the courts below are correct in dismissing the suit of the plaintiffs only on the basis of evidence-in-chief of D.W. 1 i.e., the process server ?
5. Whether the learned trial court is perverse in deciding issue No. 5 in presence of clear findings arrived at issue No. 4 ?

Issue notice to the respondents.

The appellants shall take steps of notice on the respondents by registered post with A/D within five days.

Call for the LCR.

List the matter on 22.04.2016.