

RSA 6/2015  
BEFORE  
HON'BLE MR. JUSTICE SUMAN SHYAM

Heard Mr. P. K. Deka, learned counsel for the appellants. Also heard Mr. S. Ali, learned counsel appearing for the respondents on the strength of a caveat.

This appeal is admitted and will be heard on the following substantial questions of law :

(1) In view of the specifically pleaded case of the defendants that the executor of Ext-3 had died prior to the date of execution of the sale deed which was supported by the evidence of DW 4, the Ext-3 sale deed could be said to have validly transferred title upon the plaintiffs in the facts and circumstances of the case ?

(2) Whether the findings of the learned Court below that the Ext-Q as well as the evidence of DW 4 was of no probative value is perverse in the eye of law?

The appellants will be at liberty to urge any other substantial question of law as may arise during the course of hearing.

Issue notice returnable in four weeks.

Steps to be taken by registered post upon respondent Nos.2, 3 and 4 within three days.

Call for the LCR.

The respondent No.1 would be at liberty to make a prayer for expeditious hearing of the second appeal soon after the service is complete and the LCR is received.