

RSA 161/2016

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

Heard learned counsel appearing for the appellant.

Perused the record and the documents so filed and the impugned judgment.

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

:-

1. Whether the learned Courts below committed perversity in declaring the plaintiff's exclusive right, title and possession over the suit land inasmuch as when the evidence on record shows that the plaintiff and the defendant Nos. 1, 5 and 6 did not divide their ancestral property amongst themselves?

2. Whether the learned Courts below were justified in decreeing the suit of the plaintiff without determining the shares of the Co-sharers including the share of the defendant/ appellant over the suit land?

3. Whether the suit of the plaintiff against the Co-sharers is maintainable in the absence of any prayer for a decree of partition of the suit land?

Issue notice to the respondent returnable by 4 weeks. The appellants shall take steps upon the respondents by registered A/D post as well as usual procedure. Call for the LCR.