

RSA 90/2014  
BEFORE  
HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA

Heard Mr. B Sinha, learned counsel appearing on behalf of the appellant. Also heard Mr. B Chakravarty, learned counsel appearing on behalf of respondent No.2. This second appeal is admitted on the following substantial questions of law:

i. The substantial question of law arises as to whether the family arrangement made orally has extinguished the right and title of the Defendant No.1 over the land purchased by the predecessor of the plaintiff and the defendant No.1 jointly by sale deed dated 28.09.1966 (Ext-1) without any proper partition deed of total land?

ii. The substantial question of law arises as to whether courts below are justified in arriving at the finding that the vendor (Defendant No.1) of the appellant by his act acquiescence and waiver virtually seized right and title over the land described in schedule-I of the plaint that purchased jointly by sale deed dated 28.09.1966 (Ext-1)?

iii. For that the substantial question of law arises as to whether a sale deed No.2098 dated 06.06.2003(Ext-8) executed by the Defendant No.1 in favour of the Defendant No.2 (Appellant) is illegal?

Any other substantial questions of law that may be formulated at the time of hearing.

Let LCR be called for.

On the prayer of Mr. B Sinha, the names of the proforma respondent Nos. 4 to 10 be struck out from the appeal memo.

Registry shall do the needful.

The appellant shall take step on the respondent No.3 within one week from today both by way of registered post with A/D and usual process returnable on 17.11.2017.