

RSA 177/2010

BEFORE

HON'BLE MR. JUSTICE P.K.MUSAHARY

Heard Mr. A.S.Choudhury, learned Sr. Counsel for the Appellant.

Appeal is admitted and shall be heard on the following substantial questions of law :-

1. Whether a preliminary decree of an estate can be passed by a Civil Court without declaring the rights of the several parties interested in the property and whether in the instant suit the first appellate Court committed error of the aforesaid substantial question of law in declaring rights of the plaintiff only and not declaring the rights of the defendants violating the mandatory provision of Order 20, Rule 18 CPC.

2. Whether a decree for confirmation of possession upon a suit land can be passed admittedly when there is no possession of the plaintiff as per the evidence on record of all the P.Ws and D.Ws.

3. Whether a Mahamadian daughter can be claim share from the rest of the paternal property when she has already received her due share during the life time of her father through a gift deed equal to the share of another daughter which may deprive the due share of the other heirs.

Call for the records.

Issue usual notice.

Steps within 5 days.