

RSA 57/2016
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. 25 of 2013 affirming the judgment and the decree dated 13/06/2013 passed by learned Munsiff No. 1, Hailakandi, in Title Suit No. 20 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 courts below are 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 findings arrived at by both the courts below are perverse in respect to issue No. 3 ?
3. 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 ?
4. Whether the judgments of both the courts below are vitiated because of perverse appreciation of the materials on record ?

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.