

GAHC010198712022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : RSA/191/2022

PRANITA DEVI NATH @ PRANITA DAS AND ANR .
D/O LATE CHABIN DAS,
W/O BHOBAN NATH,
VILLAGE TEZPUR BIHAGURI (BHALUKKHUWA) PO AND PS TEZPUR, DIST
SONITPUR, ASSAM 784116

2: SMTI CHAYA OJAH @ CHAYA DAS

D/O LATE CHABIN DAS

VILLAGE METUWAKUCHI
PO
PS AND DIST BARPETA
ASSAM 78411

VERSUS

BHABANANDA KALITA AND ANR .
S/O LATE MUKUNDA KALITA
VILLAGE METUWAKUCHI, PO , PS AND DIST BARPETA, ASSAM 784116

2:SMTI NIRUPAMA DAS
W/O LATE CHABIN DAS

VILLAGE METUWAKUCHI
PO
PS AND DIST BARPETA
ASSAM 784116

3:SRI KHANIN DAS
S/O LATE CHABIN DAS

VILLAGE METUWAKUCHI
PO

PS AND DIST BARPETA
ASSAM 78411

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

13.03.2023

Heard Mr. M. Ahmed, learned counsel appearing for the appellants.

The appeal is admitted for hearing upon the following three substantial questions of law:-

(i) Whether the impugned judgment and decree of the Ld First Appellate Court perverse in reversing the judgment and decree of the Ld Trial Court thereby decreeing the entire suit land in favour of Respondent No-1/Plaintiff which includes the share of the appellants measuring 17 Lessas, when the appellants being the daughters of the original owner have not executed the Sale Deed (Ext-1) in favour Respondent No-1/Plaintiff on the strength which the plaintiff claims title over the suit land?

(ii) Whether the finding of the Ld First Appellate Court perverse in holding that the Appellant No-1 has extinguish her right over her share in the suit land which she inherited from her father for non-mutation of her name in the land record as Pattadar?

(iii) Whether the Ld. First Appellate court correct in holding the provision of the Section 41 of the Transfer of Property Act

are attracted and the consent of the appellants apparent and implied in view of the documentary evidence or the case of Appellant is protected by Section 44 of the Transfer of Property Act?

The appellants shall be at liberty to raise any other substantial questions of law at the time of hearing.

Issue notice to the respondents.

The appellants shall take steps for service of notice upon the respondents by registered post with A/D and other usual process.

Call for the LCR.

List this matter after 6(six) weeks.

JUDGE

Comparing Assistant