

RFA 5/2018

::BEFORE::

THE HON'BLE MR JUSTICE MANASH RANJAN PATHAK

Heard Mr. M. K. Boro, learned counsel for the appellant.

This memorandum of appeal under Section 96 read with order 41 of C.P.C. is against the Judgment and Order dated 26.02.2018 passed by learned Additional District Judge, East Siang District, Pasighat, Arunachal Pradesh in Psg. Money Suit No. 16/2015 that was preferred by the sole respondent as plaintiff against the present appellant/defendant wherein, the learned Court below has come to the finding that the present appellant has cut down the orange trees of said respondent/ plaintiff and though rejected the claim of the respondent/plaintiff about the numbers of orange trees that were cut down by the present appellant since the respondent/ plaintiff failed to prove the age of the orange trees involved in the case, but passed the impugned Judgment & Order directing the present appellant/defendant in said Psg. Money Suit No. 16/2015 to pay an amount of Rs. 50,000/- (fifty thousand) only as lump sum amount to the respondent/plaintiff for cutting down his orange trees and further directed him to pay an amount of Rs. 20,000/- towards the litigation cost against and also an amount of Rs. 5000/- towards legal notice.

The respondent/plaintiff herein in the plaint did not include the schedule of the land to identify as to where he had those orange trees and as to whether the appellant herein/dependent cut down those orange trees over the land of the respondent/plaintiff. It is also seen from the impugned judgment and order dated 26.02.2018 of the learned Additional District Judge, East Siang District, Pasighat that without any documentary evidence and without there being any finding the number of orange trees that were allegedly cut down by the present appellant and also the age of those orange trees, the learned Court below without any basis assessed the value of the same at Rs. 50,000/- as lump sum amount.

Admit the appeal.

Issue notice to the sole respondent returnable by 24.06.2018.

The appellant shall take steps for service of notice on the sole respondent by registered post with A/D Card on or before 11.06.2018 providing his proper and correct address with requisite postal stamps.

Registry shall obtain the photo copy or scanned copy of said Psg. Money Suit Case No. 16/2015 from Court of learned Additional District Judge, East Siang District, Pasighat.

List accordingly.