

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SECOND APPEAL NO. 171 of 2024**

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PRAVINBHAI MITHABHAI BARAIYA & ORS.

Versus

MUKESHBHAI DALPATBHAI PANOT & ORS.

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Appearance:

MR RUTVIJ S OZA(5594) for the Appellant(s) No. 1,10,2,3,4,5,6,7,8,9
for the Respondent(s) No. 1,2,3,4

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CORAM: HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 02/05/2024****ORAL ORDER**

1. Heard learned advocate Mr.Oza for the appellants. He has drawn my attention towards the findings given by the both the Courts below and also the map along with the paper-book. It transpires that the Courts below have not properly appreciated some of the documents, which are produced on the record in accordance with law. Hence, the matter requires consideration.

ADMIT.

2. The record and proceedings be called for from the concerned learned trial Court so as to reach to this Court on or before 07.06.2024.

3. The following substantial questions of law are framed for consideration :

(1) Whether the judgment and decree passed by the learned trial court is vitiated as the same is passed by misinterpreting the provisions of Section 83, 110(1) and 37 of the Evidence Act ?

2. Whether the lower appellate court has erred in not framing the proper points of determination and by giving independent finding after reappreciating the evidence by considering the judgment of the learned trial court is proper under provisions of Order 41 Rule 31 of the Code of Civil Procedure ?

(SANDEEP N. BHATT,J)

SRILATHA