

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SECOND APPEAL NO. 241 of 2016**

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SHANTABEN WD/O MANABHAI VECHATBHAI PAGI....Appellant(s)

Versus

GULABSINGH CHANDRASING PAGI....Respondent(s)

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Appearance:

MR SP MAJMUDAR for the Appellant(s) No. 1

MS SHIVANGI M RANA for the Appellant(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE RAJESH H.SHUKLA

Date : 21/11/2016

ORAL ORDER

Admit.

Following substantial questions of law are framed for the determination of this Court in present Second Appeal :-

- “(A) Whether both the courts below have committed substantial error of law in misreading documents below Exh.50, 55 to 56 and 109?
- (B) Whether both the courts below have committed substantial error of law in not appreciating that the suit property is not legally partitioned and therefore, the sale deed is null and void in the eyes of law?
- (C) Whether both the courts below have committed substantial error of law in not holding that the sale deed executed in favour of defendant is a result of fraud

and therefore, null and void in the eyes of law?

- (D) Whether both the courts below have committed substantial error of law in not appreciating that the defendant has admitted in his cross examination that suit property is not legally partitioned and that Udesinh was mentally and physically unsound?
- (E) Whether the learned lower appellant has committed substantial error of law in not framing points for determination under Order 41 Rule 21 of the Code of Civil Procedure, 1908?"

(RAJESH H.SHUKLA, J.)

Gautam