



S.A.No.892 of 2008

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WEB CO **C.KUMARAPPAN, J.,**

Heard the learned counsel for the appellants.

2. The following Substantial Questions of Law has been framed:

“(i) When the plaintiff has not proved her source of income to purchase the suit 2 item of property, is the learned Subordinate Judge right in granting the relief of declaration in her favour?”

“(ii) When the right to pathway, usage of pathway by the predecessor in-title of the plaintiff is not established by the plaintiff, is the learned Subordinate Judge right in granting a decree for injunction against the owners of the property?”

“(iii) Have the Courts below erred in not relying on a registered document Ex.B1 of the suit Item No.1 property and thereby acted against Section 92 of the Evidence Act?”

“(iv) Is not the Court bound to consider the plea of oral partition in the light of the law laid down by the Hon'ble Supreme Court in Vineet Sharma Vs.Rakesh Sharma and others(reported in (2020) 9 SCC 1)?”



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jrs

(v)Have the Courts below erred in not considering sections 101 to 105 of the Evidence Act with regard to onus of proof as to nature of the suit item No.1 property?

3. Admit. Notice.

4. Registry is directed to call for the records pertaining to this Second Appeal from the Trial Court.

5. Post the matter on 04.06.2024.

26.04.2024

[1/2]

jrs

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