

**S.A.No.751 of 2022****WEB CO P.T.ASHA, J.,**

This Second Appeal is admitted on the following Additional Substantial Questions of law:-

“ 1. Whether the Courts below are right in not declaring the appellant's right over the land purchased under Ex-A2 in suit "A" schedule property when the appellant has established his purchase from his mother who has purchased under Ex-A3, even though as per the compromise arrived between the Co Sharers in the suit under Ex B.50 & B.51 the mother of the appellant was entitled to only 1.33 acres that cannot be taken away as the compromise decree has not been mentioned in the Ex.A2 ?

2. Whether Courts below are right in not taking into consideration when the respondents themselves have admitted in their written statement that the appellant has purchased a piece of land which was allotted to appellant's mother and thus he is entitled to that part of the share allotted to his mother under "A" schedule of property as per Ex-A.2 with consideration of Ex-B.50 & B.51 ?

3. Whether the courts below are correct in brushing aside the claim over the "D" schedule of the suit properties on the meticulous ground that the appellant herein has not adduced any documents to establish his claim when it has not been objected by



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the respondents herein in their written statement and is it proper to set aside a claim which has not been specifically denied by the defendants in their written statements when, each and every fact has to be specifically denied under Order 8 Rule 5 of the Code of Civil procedure ?

4. Whether the Courts below are correct in not upholding the principle that in a suit for partition even the defendants can be considered to be "Dominus Litus" and can take necessary steps to implead the necessary parties and that cannot be a ground to test the veracity of the appellant herein and be concluded that there has been suppression of facts and circumstances. ? "

2. It is informed that M/s.N.S.Suganthan & A.Zizulla Khan, learned counsel for respondents R.3, R.5, R.7 to R.9 are withdrawing their Vakalat.

3. Fresh notice is directed to the respondents R.3, R.5 to R.9 & R.10 to R.13

12.10.2022

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Note: Registry is directed to send a copy of the Additional Substantial Questions of law framed by this Court along with the Notice.



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