

C.M.S.A.No.47 of 2022

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P.T.ASHA, J.,

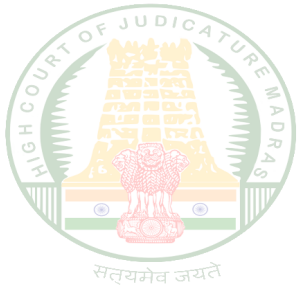
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This Civil Miscellaneous Second Appeal is admitted on the following substantial questions of law:

“i) Has not the judgment of the Ld. First Appellate Court is vitiated for misconstruing the appeal filed against REA No.249 of 2010 under Order 21 Rule 97 CPC as a petition filed for stay under Order 21 Rule 59 CPC?

ii) Have not the courts below erred in dismissing the obstruction petition filed by the appellants by disbelieving Ex.A1 (04.04.1949), Ex.A2 (19.06.1984) and Ex.A3 (10.07.1985) in the absence of any contra evidence produced by the respondents to prove the title of the 2nd respondent?

iii) Have not the courts below committed an error in holding that the 1st appellant had failed to prove Ex.A2 and Ex.A3, when the 1st appellant had proved the title of his mother Muthammal under Ex.A1 dated 04.04.1949 which is presumed to be true and genuine as per Sec. 90 of the Indian Evidence Act?



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iv) Whether the judgment of the Ld. Execution Court is perverse and vitiated for its failure to correlate the suit property with the schedule given under Ex.A1 to Ex.A3?

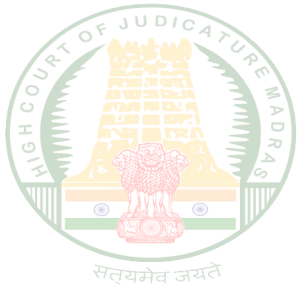
2. Notice.

04.07.2022

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Note: The Registry is directed to send a copy of the substantial questions of law framed by this Court along with the Notice.

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