



SA No.158 of 2014

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Second Appeal No.158 of 2014

N.ANAND VENKATESH,J.

The Second Appeal is admitted and the following substantial questions of law are framed:

a) Whether both the Courts below were right in dismissing the suit on the ground of non-joinder of the subsequent purchaser of the property when admittedly the suit property was sold in favour of D.W.3 much after the execution of the agreement of sale in favour of the plaintiff?

b) Whether the findings of both the Courts below to the effect that the defendant had executed the agreement of sale under coercion can be termed as perverse since it runs contrary to the evidence adduced on the side of the plaintiff wherein the plaintiff apart from examining



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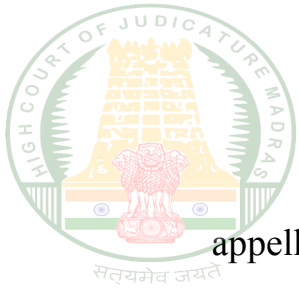
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himself had also examined the scribe and attester of the document marked as Ex.A1?

c) Whether both the Courts were right in going into the issue of title of the defendant in a suit for specific performance and the same runs contrary to the provisions of Section 55 of the Transfer of Property Act, 1882?

d) Whether the findings rendered by both the Courts below can be termed as perverse due to improper appreciation of the oral and documentary evidence available on record?

2. The third respondent is represented through a counsel. It is seen from the office note that the service is awaited for the first and second respondents. The learned counsel appearing on behalf of the third respondent shall take instructions and see if they can file vakalat for the first and second respondents also. In the meantime, the learned counsel for the



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appellant shall take fresh notice to the first and second respondents both through Court and privately returnable by 08.06.2022. The batta shall be paid on or before 25.04.2022.

3. Post this case under the caption for 'Final Hearing' on 08.06.2022.

20.04.2022

jv

Note: Issue order copy by 20.04.2022



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20.04.2022