



S.A.No.170 of 2023

N.SESHASAYEE, J.

The second appeal is admitted to decide the following Substantial Questions of

Law:

i) Was the first appellate Court in error in short circuiting the scope of litigation by resorting to Section 26 of the Specific Relief Act, 1963?

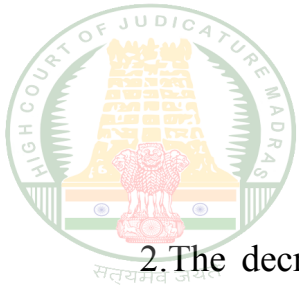
ii) Whether the lower appellate court was right in miscasting the burden of proof on the appellant when it was the duty of the plaintiff to establish his case?

iii) Was not the first appellate court in error in ignoring the fact that the plaintiff has not established the identity of the property that he had purchased dehors the alleged error in survey number of the property?

iv) Is it not the judgment of the first appellate court perverse for improper appreciation of evidence?

v) Has not the first appellate court egregiously error in cancelling the Ex.A3 = Ex.B1, sale deed when the plaintiff has not discharged the burden in identifying the property he purported to have purchased under Ex.A1 = Ex.A4.

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2.The decree of first appellate court vis-a-vis the cancellation of Ex.B1 sale deed alone is suspended.

3.Notice. The Registry is directed to call for records from the Courts below and post the matter on 12.04.2023. .

10.03.2023
(1/2)

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