

**Meeran Devi & others vs. Basanti (deceased)
through her LRs.**

**RSA No.514 of 2008 a/w RSA No.522 of 2008
Order reserved on: 24.08.2023**

08.09.2023 Present: Mr. J.R. Poswal, Advocate, for the applicants/appellants in both appeals.

The name of respondent No.1 stands deleted vide order dated 10.12.2021 in both the appeals.

Mr.Ishan Kashyap, Advocate, for respondents No.2(a) and 2(b).

CMP No.7167 of 2023

The applicants/appellants have filed the present application for framing additional substantial questions of law. It has been asserted that the learned Trial Court framed nine issues for determination. Issue No. 2 related to the suit land being joint Hindu Family Coparcenary Property. Learned Trial Court held that the suit land was joint Hindu family coparcenary property. An appeal has been filed against the Judgment and decree passed by the learned District Judge, Bilaspur, which was admitted on 23.11.2010, on the substantial questions of law No. 2 and 3 framed at page no. 8 of the paper book. Learned First Appellate Court reversed the findings regarding the suit land being ancestral property. Therefore, another substantial question of law regarding the nature of property is required to be framed.

This will not cause any prejudice to any party, hence, it was prayed that additional substantial questions of law be framed.

2. No reply was filed.

3. I have heard Sh. J.R. Poswal learned counsel for the applicants-appellants and Sh. Ishan Kashyap learned counsel for non-applicants-respondents No. 2(a) and 2(b).

4. Sh. J.R. Poswal, learned counsel for the applicants-appellants submitted that the proposed substantial question of law arises in the present case, which was not framed at the time of the admission of the appeal; therefore, he prayed that the present application be allowed and the additional substantial question of law be framed.

5. Sh. Ishan Kashyap, learned counsel for non-applicants-respondents No. 2(a) and 2(b) submitted that the proposed substantial question of law is already included in the substantial question of law no. 3 framed at Page no. 8 of the paper book, therefore, the substantial question of law is not required to be framed in the present case.

6. I have given considerable thought to the rival submissions at the bar and have gone through the records carefully.

7. The substantial question of law no. 3 framed at page no. 8 of the paper book relates to the findings recorded by the learned Trial Court, regarding the suit land being joint Hindu family coparcenary property; hence, the proposed substantial question of law regarding the nature of the suit land is already covered under the substantial question of law no. 3, framed at page no. 8 of the paper book.

8. Therefore, there is no necessity to frame additional substantial question of law. Thus, the present application fails and the same is dismissed.

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List the matter for hearing in due course.

(Rakesh Kainthla)
Judge

8th September, 2023
(pathania)