

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No.295 of 2017

Bhola Prasad & Ors.

..... Appellants

Versus

Kishore Sao & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants

: Mr. Jorang Jedan Sanga, Advocate

For the Respondents

:

07/Dated: 28/09/2018

Defect No.1 is ignored.

Heard learned counsel for the appellants.

Appellants are original plaintiffs.

The suit has been instituted being Title Suit No.150 of 1989 for correction in the sale deed from Plot No.678 to 640 as it has been claimed that the plot number has wrongly been mentioned in the sale deed.

The suit has been dismissed. Thereafter, they have preferred an appeal being Title Appeal No.14 of 1999 but appellate court has remanded the suit after framing two issues.

On remand, the suit again been dismissed.

Against this, an appeal being Title Appeal No.32 of 2010 has been filed which has been dismissed and accordingly present appeal has been filed.

In view of the above sequence of fact and mainly it is regarding the construction of document i.e. sale deed.

In that view of the matter, the present second appeal is **admitted** on following substantial questions of law:

- i. *Whether the court below has failed to construe the sale deed in proper prospective as there was pleading that plot number has wrongly been mentioned and as such the identification of land should be done in accordance with boundaries mentioned therein?*
- ii. *Whether the Plot No.640 has already been transferred by the vendor in favour of other and after sale, the possession has been given on Plot No.678. This fact clearly suggests that the sale has been effected with regard to Plot No.678 and not with respect to Plot No.640?*

Issue notice upon respondents, under ordinary process for which requisites etc. must be filed within two weeks.

Call for Lower Court Records.

(Rajesh Kumar, J.)

Shahid/