

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. NO. 93 of 2012

Shila Devi

Versus

..... Appellants

Yogendra Bishwakarma

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellant : Mr. Amar Kumar Sinha, Advocate

For the Respondents :

12/Dated: 04/01/2018

This appeal will be heard on the following substantial question of law:-

(i) Whether in a suit for declaration of title and recovery of possession onus is upon the plaintiff to prove title and the plaintiff having proved the same by cogent evidence the suit filed by the plaintiff could have been dismissed on absolutely irrelevant consideration of the materials on the record ?

(ii) Whether the learned court of appeal below has misconstrued Ext. 1 i.e registered sale deed of the year, 2000 by which the plaintiff purchased the suit property ?

(iii) Whether learned court of appeal below has misconstrued the provision contained in Section 122 of the Transfer of Property Act while deciding the issue of title against the plaintiff ?

(iv) Whether the findings of the learned court of appeal below are vitiated due to misconstruing and misinterpreting the provision contained in Section 4 of the Partition Act while deciding the issue relating to partition and allotment of share against the plaintiff ?

Liberty is given to the counsel for the appellants to formulate other substantial question of law at the time of hearing of this appeal.

Call for L.C.R.

Office note dated 26.08.2015 reveals that sole respondent has appeared through learned counsel. No fresh notice is required to be issued to the sole respondent.

Today, nobody appeared on behalf of respondent.

Satyarthi

(Anant Bijay Singh, J.)