

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 559 of 2003

Pema Oraon

... **Appellant**

-versus-

Lakho Devi & Others

... **Respondents**

CORAM : HON'BLE MR. JUSTICE ANANDA SEN

For the Appellants : Mr. Amar Kumar Sinha, Advocate

For the Respondents : Mr. Munna Kumar, Advocate

15/ 17.06.2019 This appeal will be heard on the following questions of law: -

- (i)** Whether the conclusion arrived at by the Appellate Court that there was a previous partition is against the evidence which has been adduced by the parties?
- (ii)** Whether in view of the fact that there is presumption of jointness, it was incumbent upon the defendants-respondents herein to prove their case by adducing cogent evidence in support of their claim that there was previous partition of the properties?
- (iii)** Whether in absence of any evidence in relation to previous partition, lower Appellate Court has committed an error in setting aside the decree of partition passed by the Trial Court?

ADMIT.

Mr. Munna Kumar, learned counsel submits that he will appear on behalf of the respondents.

In view of the aforesaid submission, no fresh notice need be issued.

Call for the Lower Court Records from the Court below.

(Ananda Sen, J.)