

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Second Appeal No.38 of 2021

Smt. Sushma Devi		...	Appellant
	Versus		
Smt. Sumitra Devi & Anr.	...	...	Respondents

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellant	: Mr. A.K. Sahani, Advocate
For the Respondents	:

17/25th November 2025

1. Heard the learned counsel for the appellant.
2. Learned counsel for the appellant has submitted that the plaintiffs claimed the suit property by virtue of series of sale deeds one after another. Originally the suit property was sold in Execution Case No. 09 of 1945 in a mortgaged suit and a sale certificate was issued which was marked Exhibit 6. He submits that thereafter the property was sold by registered sale deed dated 08.07.1948 followed by registered deeds dated 29.12.1950, 25.07.1970 and 11.01.1991 and the plaintiffs came in possession of the property and rent receipts were also issued in favour of the plaintiffs. Exhibit 1 to 1/d are the municipal rent receipts and exhibit 2 to 2/a are the government rent receipts.
3. Learned counsel for the appellant submits that the learned trial court decreed the suit holding that the plaintiffs were able to prove their right, title, interest and possession as well as the identity of the property, but the learned 1st Appellate Court has reversed the finding by referring to Exhibits 3 and 6 and has not considered the other documents placed on record which were relied upon by the learned Trial Court to hold the finding in favour of the plaintiffs. He submits that the judgment of the learned 1st Appellate Court is perverse and therefore substantial question of law be framed in this case.

4. After hearing the learned counsel for the appellant, this appeal is **admitted** for final hearing on the following substantial question of law: -

(a) Whether the impugned judgment passed by the learned 1st Appellate Court is perverse on account of non-consideration of the materials placed on record (Exhibits 1 series, 2 series, 4, 5 and 7 series), on the basis of which the learned Trial Court had decreed the suit?

5. Since respondent Nos.1 and 2 have already entered appearance by filing the *Vakalatnama*, no notice need be issued to the respondents.

6. Let the records be called for from the court concerned.

7. Post this case on 19th January 2026.

8. Office is directed to forward a soft copy this order to Mr. P.C. Sinha, Advocate of the respondent no. 1 and 2.

9. Let this order be communicated to the court concerned through 'e-mail/FAX'.

(Anubha Rawat Choudhary, J.)

Dated: 25.11.2025

Madhav/-