

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 153 of 2018

Md. Jalil Appellant

Versus

Gulam Subhani Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Shaukat Egbal, Advocate

Order No.06 Dated- 10.07.2023

Heard the parties.

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

- (i) Whether in view of pendency of Title Suit No.37 of 1997 *inter alia* between the appellant and the respondent by which subsequent sale deed executed by the power of attorney holder-owner of the land in favour of the defendant no.1 of the suit i.e. Gulam Subhani who is the respondent of this appeal is illegal, void, inoperative and without consideration; the trial court ought not have proceeded with the proceeding under order XXI, Rule-97 of the Code of Civil Procedure?
- (ii) Whether in view of the decree passed in Title Suit No.37 of 1997 both the courts below committed an illegality in dismissing the application under Order XXI Rule 97 of Code of Civil Procedure, filed by the appellant?

Call for the Lower Court Records.

The appellant is directed to file requisites for service of notice on the respondent by registered post with A/D as well as under ordinary process within two weeks failing which; this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this appeal after receipt of the service report of the notice issued to the respondent.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)