

IN THE HIGH COURT OF JHARKHAND, RANCHI

Second Appeal No. 58 of 2010

Saguni Devi

..... Appellant(s)

Versus

Ishar Gope & Anr.

.... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellant(s) : Mr. Amar Kr. Sinha, Advocate.

For the Respondent No.2 : Mr. Pramod Kr. Pankaj, Advocate

06/13.12.2017. Perused the report of the report of Judge in Charge (Nazarat), Civil Court, Koderma whereby affidavit sworn by Vivek Kumar Singh has been annexed. It reveals that the process server has gone to serve notice upon respondents- Ishar Gope and Bahadur Yadav, but Ishar Gope could not meet, but it was served to his wife, Sohawa Devi.

Learned counsel for the respondent no.2 has appeared.

No body appeared on behalf of the respondent no.1.

Heard counsel for the appellant and learned counsel for the respondent no.2.

Heard the learned counsel for the appellant.

Admit.

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

(i) Whether the suit filed by the plaintiff in the year 2004, challenging the gift deed dated 20.05.1992 is at all maintainable and hopelessly barred by limitation and the findings of the learned court of appeal below otherwise in this regard are contrary to the provision contained in Article 59 of the Limitation Act, 1963?

(ii) Whether the findings of the learned court of appeal below are vitiated due to misconstruing the provision contained in Article 65 of the Limitation Act while deciding the issue of adverse possession against the defendant/appellant?

Further liberty is given to the counsel for the appellant to frame other substantial questions of law, if any at the time of hearing of this appeal.

Call for the lower court records.

Counsel for the appellant(s) is directed to take steps for service of fresh notice upon the respondent no.1 through ordinary process as well as Registered AD, for which, requisites etc., must be filed within 8 weeks.

(Anant Bijay Singh, J.)