

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S. A. No. 137 of 2020

1. Bhuneshwar Mahto aged about 64 years son of Late Magan Mahto.
2. Bisheshwar Mahto, Son of Late Magan Mahto
3. Kaushilya Devi aged about 72 years wife of Late Magan Mahto.
All residents of village Murudih, P.O. Sangrampur, Via Gola, P.S. Gola, District Ramgarh.
4. Fulki Devi, daughter of Late Magan Mahto, resident of village-Saradih, P.O. & P.S. Gola, District Ramgarh.

... ... **Plaintiffs/Appellants/Appellants**

Versus

1. Shamly Karmali son of Bigal Karmali
2. Nanhu Karmali son of Bigal Karmali
3. Dhiran Karmali son of Late Bigal Karmali
All are residents of village Murudih, P.O. Sangrampur, P.S. Gola, District Ramgarh.
4. Deputy Commissioner, Ramgarh, P.O., P.S. and District Ramgarh.
5. Jagan Mahto son of Late Huridal Mahto, resident of village Sangrampur, P.O. and P.S. Gola, District: Ramgarh.

... ... **Defendants/Respondents/Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants	: Mr. Amar Kumar Sinha, Advocate
For the Respondents	: Mr. Sanjay Kumar Tiwari, Advocate

08/09.01.2025

1. Heard the learned counsel appearing on behalf of the appellants.
2. The learned counsel for the appellant has submitted that though there are concurrent findings recorded by both the courts but there are two substantial questions of law involved in the present case, which are as follows:-

i. Whether learned courts were justified in rejecting the claim of title of the appellants which was based on Sada Hukumnama followed by issuance of Zamindari rent receipts?

ii. Whether the case would be governed by the provisions of Article 59 of the Indian Limitation Act or by Article 65 of the Indian Limitation Act?

3. After going through the impugned justified, this Second appeal is **admitted** for hearing on the aforesaid two substantial questions of law.
4. Issue notice to the respondent No. 1, 2, 3 and 5 through ordinary process as well as through registered covered post with AD. The requisites be filed by 14.02.2025.
5. Respondent No. 4 is represented before this Court by the learned State counsel.
6. In the meantime, let the records be called from the concerned courts.
7. Post this case on 20th February, 2025 in the supplementary cause list.
8. Let this order be communicated to the concerned courts through FAX/e-mail.

(Anubha Rawat Choudhary, J.)

Rakesh/-