

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S. A. No. 131 of 2025

Shardanand Kasyap and Others

... ..

Plaintiffs/Appellants/Appellants

Versus

Uma Devi and Others

... ..

Defendants/Respondents/Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mr. Bharat Kumar, Advocate

For the Respondents : Mr. Rahul Kumar Gupta, Advocate

08/20.01.2026

1. Learned counsel for the appellants has submitted that the issues framed by the court were re-cast and a new issue, i.e. issue No.(VIII), was added. He has submitted that this was done at the time of passing of judgment and no opportunity was granted to the parties to lead evidence with respect to issue No.(VIII).

2. Learned counsel on behalf of respondent Nos. 1 to 4 has submitted that the parties knew about the core issue involved in this case and, therefore, there was no need to give opportunity to lead evidence on the same.

3. However, it is not in dispute that issue No.(VIII) was framed on re-cast, at the time of final judgment of the case.

4. After going through the impugned judgments and hearing the learned counsel for the parties, this appeal is **admitted** for final hearing on the following substantial question of law:

I. Whether the learned court was justified in not granting any opportunity to the parties to lead evidence with respect to additional issue, i.e. issue No.(VIII)?

II. Whether on account of such omission the impugned judgment is vitiated in law?

5. Issue notice to the respondent Nos. 5 to 44, for which requisites under ordinary process and speed post be filed within two weeks from today.

6. Office is directed to track the speed-post-delivery and prepare a proper office note with regard to service of notice.
7. No notice need be issued to respondent No.1 to 4, as they have already entered appearance, by way of filing *Vakalatnama*.
8. The records be called for from the concerned courts.
9. Let a copy of this order be communicated to the concerned court through “Fax/e-mail”.
10. Post this case on 25th March, 2026.

(Anubha Rawat Choudhary, J.)

20.01.2026
Rakesh/-