

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 179 of 2025

Pramod Singh and Anr.

... ... **Defendants/Appellants/Appellants**
Versus

Sushil Mohan and Ors.

... ... **Plaintiffs/Respondents/Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mr. Amar Kumar Sinha, Advocate

For the Respondents :

09/04.02.2026

The learned counsel for the appellants submitted that the courts have recorded inconsistent findings.

2. He submits that ultimately the suit was decreed in spite of holding that Section 6 of the Specific Relief Act is not applicable in the case. He submits that the learned 1st appellate court was of the view that appeal was not maintainable in view of the specific bar under Section 6 (3) of the Specific Relief Act itself.

3. The learned counsel has also submitted that the plaintiff, who was examined as P.W. 1, has stated in paragraph 44 of his evidence that he was in possession of the suit property.

4. The learned counsel submits that both the courts have misconstrued the provision of Section 6 of the Specific Relief Act and mis read the evidence of P.W-1 .

5. This Appeal is admitted for hearing on the following substantial questions of law:

“Whether in view of the admission of P.W. 1 in his cross examination that he is in possession of the suit property, the suit filed by the plaintiffs under Section 6 of the Specific Relief Act, 1963 was at all maintainable and the findings of the learned First Appellate Court in this regard is wholly perverse and against the mandate of law?”

6. Issue notice to the respondents in I.A. No.15261 of 2025 as well as in the main petition, for which, requisites under speed post be filed by Monday i.e. 09.02.2026.

7. Let the records be called for from the court concerned.
8. Post this case on 18.02.2026.
9. Let a soft copy of this order be communicated to the court concerned through FAX/email.

(Anubha Rawat Choudhary, J.)

04.02.2026

Saurav/