

**IN THE HIGH COURT OF JHARKHAND, RANCHI**  
**S.A. No. 36 of 2025**

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Md. Hussain and Others	.....	....	...	...		
	--	Versus	--			
Hami Udin Ahmad and Others	.....	....	...			Respondent(s)

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Appellants(s)	:-	Mr. Bhaiya Vishwajit Kumar, Advocate
For the Respondent(s)	:-	

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- 6/20.03.2025** This Second Appeal has been preferred against the judgment of reversal.
2. This Second Appeal shall be heard on following substantial question of law:
- "(1) Whether in view of the reasons that the plaintiff has pleaded at paragraph 2 describing the boundaries of the suit land and in paragraph no.3 of the plaint that there was an approach passage of 4 feet wide and 30 feet long from before connecting the land of the plaintiff in between the land of Tajuddin and Md. Hussain, defendant no.2, but has failed to prove the same by documentary evidence as there is no such description in the sale deeds (Exts.1 and 1/A) the court of appeal could have decreed the suit and finding contrary to the documentary evidence as Exts.1 and 1/A is perverse in the eye of law or not?"*
- (2) Whether in view of settled law that once a document (Ext.A) is registered in terms of Section 17(1) of the Registration Act, 1908 it is presumed under the law that whole world is aware of the transaction as contained in the particular document (Ext.1) and especially in this case when defendant no.1 Waqar Ahmad put his signature (Ext.A/1) as witness can question the authenticity or genuineness of the sale deed (Ext.1) and in view of that the finding of the learned first appellate court is contrary to law or not?*
- (3) Whether in view of that the original respondent no.4 Md. Safi and respondent no.5 Rahmatullah @ Kutuwa have died on 07.10.2020 and 18.03.2023 respectively during pendency of the appeal in the learned first appellate court the impugned judgment and decree against the dead person is a nullity or not?*
3. Call for the Trial Court Records.
4. Issue notice upon respondent nos. 1 to 6 by registered post with A/d as well as under ordinary process for which requisites etc must be filed within two weeks.

**( Sanjay Kumar Dwivedi, J.)**

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