

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

Case : RSA No. 15/2024  
CM No. 3346/2024

**Bikram Dev Singh and another**

...Appellant (s)

Through: Mr. R. K. Jain, Sr. Advocate with  
Mr. Kritika Jain, Advocate

**VERSUS**

**Shiv Rattan Dev Singh**

...Respondent(s)

Through: Mr. K. S. Chib, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.**

**ORDER**

**04.03.2025**

I have heard learned counsel for the parties and perused the judgment of the trial Court, judgment of the Ist Appellate Court and the grounds of appeal.

From a perusal of the same, it appears that following substantial questions of law arise for determination in this appeal.

- (i) Whether the findings of the trial Court and the Ist Appellate Court on the status and character of the suit property in the absence of a formal issue on this aspect of the matter are sustainable in law;
- (ii) Whether it was open to the Ist Appellate Court to set aside the second part of the finding on issue No. 1 when the same was not under challenge from any of the parties to the appeal;

- (iii) Whether it was obligatory for the trial Court and the Ist Appellate Court to determine the question of limitation inspite of the fact that appellants/defendants had not raised any such plea in their written statement;

The appeal is *admitted* to hearing.

Record of the trial Court and the Ist Appellate Court has already been received.

List the instant appeal for final hearing on 24.04.2025.

**(Sanjay Dhar)**  
**Judge**

**JAMMU**  
**04.03.2025**  
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