

03. 19.03.2021: Heard learned counsel for the Appellants in the matter of admission of this Appeal.

The appeal is admitted on the following substantial questions of law:-

1. Whether the Courts below are right in construing Ext.1 as out and out deed of sale by ignoring the evidence on record as to the surrounding circumstances and the settled law in the field for construction of the document when one side projects it to be out and out sale and other claims it to be a sale with a condition to repurchase?
2. Whether on the rival case of the parties giving rise to involvement of complicated question of title as also competing claim in respect of the suit property covered under the deed which is being differently projected by the parties, the Courts below have erred in law by decreeing the suit for permanent injunction simplicitor without the prayer of the declaration of title and possession?

Issue notice to the Respondent by registered post with AD. Steps be taken within a week hence. In that event, notice be issued fixing short returnable date.

List this appeal immediately after service of notice upon the Respondent for hearing. L.C.R. be called for and its receipt be ensured in the meantime.

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D. Dash, J.

I.A. NO. 110 OF 2019

04. 19.03.2021:

Heard.

Issue notice as above.

Accept one set up process fee.

As an interim, it is directed that the status-quo in respect of the property as it stands today shall be maintained by the parties till next date of listing.

Issue urgent certified copy as per rules.

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D. Dash, J.