



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No. 63 of 2024

Anjana Sahu and Others

....

Appellants

*Represented by
Mr. M. Mohanty, Advocate*

-Versus -

Tiki Sahu and Others

....

Respondents

Represented by

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

03.10.2024

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Heard Mr. M. Mohanty, learned counsel for the appellants. Perused the impugned judgments.
3. Considering the submissions and the grounds raised, the second appeal is admitted on the following substantial questions of law:-

“A. Whether, the learned Lower Appellate Court has erred in law without following the requirements of the provisions envisaged under Order-41, Rule-31 of CPC ?

B. Whether, the learned Lower Appellate Court has erred in law in ignoring the exhibited documents of plaintiffs i.e. Ext-1 to 9 and thereby harping more on oral evidence than documentary evidence on the following as aspects:

(i) That, in Ext-5 i.e. Yaddast No.9, Trilochan Sahu (father of defendants 1 to 3) had admitted and acknowledged that the plaintiff were in possession of M.S. Plot No.9 under M.S. Khata No.82 since 1940 by constructing house thereon.



(ii) That, Ext-7 i.e. draft record of right shows the purchase plot of father of plaintiffs under Ext-1 correlates to M.S. Plot No.8 and C.S. Plot No.10/172 which adjoins to M.S. Plot No.9.

(iii) That, Ext-4/Ext-E is the sale deed relied on by the defendants 1 to 3. But, there is no specification of property from which C.S. Plot, the land has been purchased by simple mentioning area of Ac.0.015 dec. from C.S. Plots 8, 9 & 10.”

4. Issue notice to the respondents by registered post with A.D. making it returnable within four weeks. Requisites be filed within a week.
5. Call for the LCR.
6. List this matter in the week commencing 23rd December, 2024.

(Sashikanta Mishra)
Judge

BC. Tudu

Signature Not Verified

Digitally Signed
Signed by: BHIGAL CHANDRA TUDU
Designation: Senior Stenographer
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 04-Oct-2024 19:06:51

