

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**RSA No.389 of 2016**

***Gouri Dei***

....

***Appellant***

Mr.S.P. Mishra, Sr. Advocate

*-versus-*

***Pravakar Panda and another***

....

***Respondents***

Mr. D.P. Mohanty, Advocate

**CORAM:**

**JUSTICE CHITTARANJAN DASH**

**ORDER**

**25.08.2023**

**Order No.**

11. 1. Heard the learned counsel for the Appellant.
2. The appeal is admitted on the substantial questions of law as indicated herein below :
- “(a)Whether the registered sale deed dated 25.05.1946 can be said to have validly executed, when the executants were not alive by then when the same was executed?
- (b) Whether transfer of share of a co-sharer in respect of joint family undivided dwelling house can be the subject matter of sale in view of Section-44 of the Transfer of Property Act?
- (c) Whether the sale deed dated 04.03.48 under Ext.E executed by the alleged guardian on behalf of the minor plaintiff is void who has not obtained permission from the competent authority in view of Section 29 & 30 of the Guardians and Wards Act?

(d) Whether Id. Lower Appellate Court is justified in saying that, Hindu Minority and Guardianship act was not in force by the date of execution of sale deed in the year 1948 when such transaction was governed under the Act 8 of 1890 and the Act of 1956 is just supplemental and in addition to the previous Act?

(e) Whether the alleged guardian can be said to have been validly appointed by the competent Court of law under the Guardians and Wards Act or can be said to as testamentary guardian and whether the alleged sale by such guardian in respect of minor's property on her behalf is valid?"

3. Since the Respondents have already appeared through the counsel, an extra copy of the brief along with all enclosures be served on the learned counsel for the Respondents within one week.

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ORISSA

**(Chittaranjan Dash)**  
**Judge**