



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

**R.S.A. No.221 of 2015**

***Rama Chandra Patra***

**.....**

***Appellant***

Represented by Adv. –  
Mr.R. Agarwal

***-versus-***

***Nemain Charan Boital  
(Dead)***

**.....**

***Respondents***

***Kulamani Boitai and others***

Represented by  
Mr. A.P.Bose, Advocate

**CORAM:**

**THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA**

**ORDER  
16.1.2025.**

**Order No.**

24. 1. This matter is taken up through hybrid mode.
2. Heard Mr. Ramesh Agarwal, learned counsel for the appellant and Mr. A.P.Bose, learned counsel for the Respondents.
3. After hearing learned counsel for the appellant, the substantial questions of law framed earlier are reformulated as follows:



- (i) Whether the plaintiffs can challenge the validity of the registered deed of gift when the same is known to the donor and he has not challenged the same during his life time ?
- (ii) Whether beneficiary of a registered gift is required to prove due attestation, though the execution thereof has not been challenged by the donor ?
- (iii) Whether a challenge to the registered deed of gift is maintainable if filed after three years of date of knowledge by the plaintiffs ?
- (iv) When Ext.4 clearly reflects the parting with the gifted property by the donor, the beneficiary under the said gift is estopped from maintaining a suit in disputing the earlier gift ?
- (v) Whether the appellate Court has committed error in ignoring and improperly assessing the Ext.4



which contains an admission regarding the parting with the property under the gift in challenge?

4. List this matter for hearing in the week commencing 10.2.2025.

5. Interim order passed earlier shall continue till the next date.

6. It shall be open to the appellant to seek adjournment in the execution proceeding in view of the date fixed by this Court for hearing of the appeal.

*AKB*

*(Sashikanta Mishra)*  
*Judge*

Signature Not Verified

Digitally Signed  
Signed by: ASHOK KUMAR BEHERA  
Designation: A.D.R.-cum-Addl. Principal Secretary  
Reason: Authentication  
Location: High Court of Orissa, Cuttack  
Date: 16-Jan-2025 18:30:11

