



IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.244 of 2019

Bhimsen Sahoo @ Biswal

.....

Appellant

Represented by Adv. –
Mr.A.C.Mohapatra

-versus-

Abhiram Sahoo and others

.....

Respondents

Represented by None

CORAM:

THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA

ORDER

27.1.2025.

Order No.

03.

1. This matter is taken up through hybrid mode.

2. Heard Mr. Ajit Chandra Mohapatra, learned counsel for the appellant, on the question of admission. Perused the judgments passed by the lower appellate Court as well as the trial Court.

3. Considering the submissions and the grounds raised, the RSA is admitted on the following substantial question of law;

(i) Whether the learned Courts below are legally correct in saying that although Ext.D/1, a registered gift deed cum acknowledgement of adoption deed, is



proved to have been executed, but the same cannot be considered as proving the factum of adoption of the defendant/appellant, in the absence of evidence of giving and taking, although it is an admitted fact that the adoption of the defendant was held in the year 1947 but it is challenged in the year 1996 ?

(ii) Whether the learned courts below are correct in saying that defendant/failed to prove adoption which took place in the year 1947, despite the existence of admission of adoptive mother contained in Ext.D/1, voter list Exts. B to B/5, Ext.A school leaving certificate, registered gift deed Ext.H and registered sale deed Ext.J ?

(iii) Whether the learned Courts below, are correct in saying that the gift deed Cum acknowledgement of adoption vide Ext.D/1, is not a valid document as regards gift is concerned although Plaintiff was a consenting party to the same, particularly when Ext.D/1 was acted upon



by a further transfer, vide Ext. J of a part
of the lands involved thereunder ?

4. Issue notice to the Respondents by Registered Post with
A.D. making it returnable within four weeks. Requisites be
filed within three working days. L.C.R. be called for.

5. List this matter in the week commencing 07.4.2025.

AKB

(Sashikanta Mishra)
Judge

Signature Not Verified

Digitally Signed
Signed by: ASHOK KUMAR BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 27-Jan-2025 18:30:35