



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No. 85 of 2016

Kabita Mohanty and Others

....

Appellants

*Represented by
Mr. S.K. Mishra, Sr.
Advocate*

-Versus -

Sarbeswari Ghadei and Others

....

Respondents

Represented by

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

18.09.2024

I.A. No. 653 of 2019

Order No.

12.

1. This matter is taken up through hybrid mode.
2. It is stated that the balance court fees of Rs.1105/- has been paid on 12.09.2019.
3. Office to verify and accept the same.
4. IA. is disposed of.

(Sashikanta Mishra)

Judge

RSA No. 85 of 2016

Order No.

13.

1. Heard Mr. S.K. Mishra, learned Senior Counsel with Mr. J. Pradhan, learned counsel for the appellants. Perused the impugned



judgments.

2. Considering the submissions made and the grounds raised, the second appeal is admitted on the following substantial questions of law:-

“(i) When law is well settled that when a document is registered in another registration office in whose jurisdiction an item of property included in the deed is said to have been situated though the transferor has no right to the said property and as such no title passes, the deed is in valid on the ground of fraud on registration?”

Whether the finding of the Courts below with regard to title of plaintiff on the basis of Ext-4 is tenable in law?”

ii. Whether the courts below were correct in accepting Ext-3 as a valid document only because the same was 30 years old without there being any corroborative prove thereto?”

3. Issue notice to the respondents by registered post with A.D. making it returnable within four weeks. Requisites be filed within three working days.

4. Call for the LCR.

5. List this matter in the week commencing 11th November, 2024.

(Sashikanta Mishra)
Judge