



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No. 351 of 2023

Keshab Nanda & Ors

.... Appellants

Represented by
Mr. M.K.Mishra, Advocate

- Versus -

Gouranga Charan Nanda & Ors

.... Respondents

Represented by

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

21.11.2024

Order No.
08.

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

“ (i) Whether judgment and decree passed by the learned lower appellate court is perverse as the learned court below ignored the well established evidence on the record that the defendants No.1 to 4 have not encroached the land of the plaintiff?

(ii) Whether, the learned lower appellate court is right in reversing the judgment of trial court without any prayer of declaration sought by the plaintiff particularly when serious doubt is casted on his title over the disputed land?

(iii) Whether the suit is barred under OCH and PFL Act?

(iv) Whether the suit is barred by non-joinder of necessary party ass Subhadra, d/o- late Bikali Nanda is not a party to the case?



(v) Whether the suit is hit under O-7, R-3 of CPC?

(vi) Whether learned court below is right in its approach to rely the survey knowing commissioner report blindly without corroborating or taking account the evidence on record?

4. No notice need be issued to the respondent No.1 as he has already entered appearance through counsel. Let a copy of the appeal memo be served upon learned counsel for the respondent No.1.
5. Call for the L.C.R.
6. List this matter in the week commencing 20th January, 2024.

(Sashikanta Mishra)
Judge

Deepak

Signature Not Verified

Digitally Signed
Signed by: DEEPAK PARIDA
Reason: Authentication
Location: OHC,Cuttack
Date: 22-Nov-2024 18:29:16

