

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Second Appeal No. 354/2008

Shyam Sundar And Ors

----Appellant

Versus

Ram Pal

----Respondent

For Appellant(s) : Mr. J.P. Goyal, Sr. Adv. with
Ms. Jyoti Swami

For Respondent(s) : Mr. R.P. Garg

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

02/12/2023

Heard learned counsel for the parties.

Having regard to the submissions made by the learned counsel for the parties, this Court satisfies that in this appeal following substantial questions of law are involved:-

“1. Whether certified copy of the registered sale deed dated 06.05.1981 was also produced under Order 41 rule 27 CPC (for being exhibited as evidence) in the appeal the same could be refused?

2. Whether the learned first Appellate Court was justified in rejecting the application dated 06.08.1986 filed by the appellants under Section 65 of the Evidence Act to lead secondary evidence of registered sale deed dated 06.05.1981 by producing its certified copy after being corrected by the Collector (Stamp)?

3. Whether the courts below were justified in refusing to grant mesne profit at the prevalent rate in the area where the disputed property is situated?”

The matter requires consideration.

Hence, the appeal is admitted.



[CSA-354/2008]

Record has already been received.

Office is directed to tag the same with the file.

List the matter for hearing on 07.03.2024.

(NARENDRA SINGH DHADDHA),J

Ritu/62