

In the High Court of Judicature for Rajasthan

At

Jaipur Bench, Jaipur

O R D E R

In

S.B. Civil Second Appeal No.714/2007

Bhola Shanker and others Vs. Ramesh Chand and another

Date Of Order :: 1st July, 2009

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. G.K. Garg, for appellants.

Mr. S.C. Mittal, for respondents.

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Heard learned counsel for the parties on the point of admission. Following substantial questions of law are involved in this appeal :-

(i) Whether the suit for mandatory injunction as brought was not maintainable under the facts and circumstances without the prayer of possession and declaration when the plaintiff admits the possession of the defendants over the plot in question ?

(ii) Whether the presumption as drawn by the learned first appellate court in regard to the document dated 3/6/1938 is against the provisions of Section 90 of the Indian Evidence Act ?

(iii) Whether the provisions of Court Fees Act, Suit Valuation Act and provisions of Indian Evidence Act are not taken into consideration by the learned first appellate court while passing the judgment and decree dated 13/8/2007 ?

Admit. Put up in due course.

(J.R. Goyal),J.

VS Shekhawat / -
Jr. P.A.
D24 / 1