

**HIGH COURT OF TRIPURA
AGARTALA**

RSA No.29 of 2023

Sri Raja Paul and Anr.

....Appellant(s)

Versus

Sri Sudarshan Sarma

....Respondent(s)

For the Appellant(s)	:	Mr. S. Lodh, Advocate
For Respondent(s)	:	None

HON'BLE MR. JUSTICE ARINDAM LODH

Order

13/10/2023

Heard Mr. S. Lodh, learned counsel appearing for the appellants.

This second appeal has been preferred by the appellants who were the original defendants of the suit instituted by the plaintiff seeking his right and interest over a pathway described in the schedule of the plaint and for perpetual injunction restraining the defendant-appellants herein not to disturb his peaceful egress and ingress over the said pathway.

Both the Courts below had decreed the suit in favour of the plaintiff. Hence this second appeal before this Court.

I have heard Mr. S. Lodh, learned counsel for the appellants. In my opinion, in the instant second appeal, this Court has to examine and re-appreciate the findings of both the Courts below regarding the existence of this pathway.

In view of this, following substantial questions of law have been formulated:

1. Whether the findings of both the Courts below are perverse as regards the existence of the pathway as described in the schedule?
2. Whether the Courts below have correctly appreciated the terms and conditions laid down in the agreement dated 16.10.2001(Ext. 3)?

Issue notice calling upon the respondents to show cause as to why the appeal should not be admitted as prayed for; and/or as to why such further order/s should not be passed as to this court may seem fit and proper.

The notice is made returnable within 6(six) weeks.

The appellants shall take steps for causing service of notice upon the respondent by registered post with A/D within 7(seven) days.

Call for the LCRs.

List the matter on **24.11.2023**.

JUDGE

