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04.12.23

Ct. No. 04

akd

S.A.T. 440 of 2016

With

S.A.T. 469 of 2015

**Smt. Parbati Sen (Samanta)**

**Vs.**

**Sri Kalicharan Dutta & Ors.**

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**Mr. Probal Mukherjee,**

**Mr. Suhrid Sur,**

**Mr. Sudeep Pal Choudhuri.**

**... for the appellant.**

The aforesaid appeals shall be heard on the following substantial questions of law:

1. Whether the Court of Appeal below was justified in dismissing the suit solely on the ground that the plaintiff/appellant did not acquire the undivided interest in respect of all the subject properties even after holding that he has been able to establish his right, title and interest in respect of three of such properties?
2. Whether a co-sharer of a plot of land is entitled to sell his share by showing the well defined demarcation in respect of an undivided property and, therefore, denuded the subsequent purchaser to claim as co-sharer in respect thereof?

Let the hearing of the appeals be expedited.

The appellant is directed to put in the postal cost, written up notice forms for effecting service of notice of appeal upon the respondents within a week from date.

After the service of notice of appeal the office shall put a seal that the appeal is ready as regards service.

Let the Lower Court Records be called for by special messenger at the cost of the appellant. Such cost shall be put in within a week from date. The office is directed to bring the Lower Court Records immediately upon deposit of the special messenger cost.

The office shall examine the Lower Court Records after its arrival and if it is found complete shall issue a notice under Rule 12 of Chapter IX of the Appellate Side Rules upon the learned Advocate on record of the appellant.

The appellant shall prepare and file 8 copies of informal paper books – printed, typewritten or cyclostyled, as the case may be, - out of Court, by the end of January, 2024.

All other formalities pertaining to preparation of paper books are dispensed with.

In the event, service is effected upon the respondents and the paper books are filed, liberty is granted to the parties to pray for early listing of the appeals.

**(Harish Tandon, J.)**

**(Madhuresh Prasad, J.)**

