

D. .List 82

*Bpg
& srm.*

October 16,
2020

**S.A.T. No.484 of 2014
With
CAN 1 of 2014 (Old CAN 10857 of 2014)**

**Sri Chanchal Sanfui & Anr.
Versus
Smt. Gita Rani Pramanick & Ors.**

Mr. Shyama Prasad Purkait
...for the appellants.

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

1. Whether the appellate court can reverse the decree in an appeal preferred by some of the defendants when admittedly the finding of the trial court enures to the benefit to such defendants/appellants.
2. Whether the court of appeal below may invoke the powers under Order XLI Rule 33 of the Code of Civil Procedure in reversing the portion of the decree which goes in favour of the defendants/appellants, by reversing the same in absence of any cross-objection having been filed by the plaintiffs/respondents under Order XLI Rule 22 of the Code of Civil Procedure.

The appellants are directed to serve the copy of the application being CAN 1 of 2014 (Old No. CAN 10857 of 2014) by speed post with acknowledgement due and to file affidavit of service on the returnable date.

The application is made returnable before the appropriate Bench after one week after Puja Vacation.

(Harish Tandon, J.)

(Shampa Sarkar, J.)