IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR
***

SAT/1/2023
IA No:CAN/2/2023

Shri Binod Chandra Das and others

Vs.

Smt Bishnu Priya Das and others

Mr. Gopala Binnu Kumar … for the appellants

September 20, 2023
[SR]
Item No.10

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

(a) Whether the Court of appeal below was justified in discarding the other evidence leading to the fact that the land was settled under the Rehabilitation Scheme and recorded in the name of the defendant no.1 being the head of the family solely on the ground that the patta was issued more than 50 years ago and, therefore, creates a right in view of the Section 90 of the Evidence Act.?

(b) Whether the Court of appeal below was justified in arriving at the conclusion that the moment the other defendants have been allotted the subject land the land standing in the name of the defendant no.1 shall be deemed to have been allotted to him thereby ignoring the very fact that the name of the defendant no.1 has been recorded being the head of the family upon death of their father even at the relevant point of time he was minor?

The appellants are directed to serve a copy of the application upon the opposite parties.

The application is made returnable after three weeks before the appropriate Bench.

(Harish Tandon, J.)

(Rai Chattopadhyay, J.)