

ITEM NO.11 Court 9 (Video Conferencing)

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 1234/2021

(Arising out of impugned final judgment and order dated 18-02-2020 in RSA No. 134/2009 passed by the Gauhati High Court)

ON THE DEATH OF YEAKUB ALI HIS LEGAL HEIRS & ANR. Petitioner(s)

VERSUS

ABDUL KARIM KAJI & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.7900/2021-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

Date : 05-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Avijit Bhattacharjee, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the petitioner contends that the first appellate Court being the final Court of fact has recorded at page 113-114 of the paper book that the deceased executant was a Manipuri woman and used to speak in Manipuri language while the deed was written in Bengali and explained in Bengali language. This is apart from his plea that the executant of the sale deed was mentally ill and suffered from the issue of sanity. On the Court query, he submits that the original plaintiff was the uncle of the lady and was looking after her, the original plaintiff having now passed away.

The four sale deeds were executed on 11.08.1995 and she died on 23.08.1995. The suit was filed in 1996.

Issue notice.

The respondents will not alienate or transfer or create third party rights in respect of the land in question till the next date.

We may note that there is dispute over who is in possession. Both the parties are claiming possession. Thus, insofar as the possession is concerned, whoever is found in possession, should not be parting with possession to any third party.

A copy of the order to accompany the notice.

(ASHA SUNDRIYAL)
AR-CUM-PS

(POONAM VAID)
COURT MASTER