

## Sanjiv Kumar Sinha Vs Subhash Chandra Singh And Anr

**Court:** Jharkhand High Court

**Date of Decision:** Jan. 23, 2025

**Acts Referred:** Code of Civil Procedure, 1908 & Order 41 Rule 31

**Hon'ble Judges:** Sanjay Kumar Dwivedi, J

**Bench:** Single Bench

**Advocate:** Gaurav Abhishek

**Final Decision:** Disposed Of

### Judgement

Sanjay Kumar Dwivedi, J

1. The learned counsel for the appellant submits that this is a case of reversal and the suit was decreed in favour of the appellant however the learned

first appellate court has reversed the finding of the learned trial court and set aside the same.

2. This second appeal will be heard on the following substantial question of law: i) Whether the learned first appellate court finding exhibit 2 without

adverting to the findings and discussions regarding the law and the facts, more particularly, the provisions of Article 54 of the Limitation Act laid down,

by the learned trial court is against the provisions of Order XLI Rule 31 CPC or not? ii) Whether the learned first appellate court while reversing the

findings of the learned trial court and the fresh reasoning of the learned first appellate court has been given or not?

3. Call for the trial court records.

4. Issue notice upon the respondent nos.1 and 2 by registered post with A/d as well as under ordinary process for which requisites etc. must be filed

within a week.