

RSA 20/2006

BEFORE

HON'BLE MR. JUSTICE P. G. AGARWAL

Heard the learned counsel for the petitioner.

This second appeal is directed against the judgment and order passed by the appellate court in Title Appeal No. 21/2001 whereby the appeal was dismissed and the judgment and decree passed by the trial court in Title Suit No. 277/93 was affirmed. The substantial question of law as raised by the appellant before us is that the suit land described in the plaint is altogether different from the land covered by sale deed No. 571/94.

We have perused the written statement filed by the present appellant that no such plea was raised in the written statement and such a plea cannot be allowed to be raised for the first time in the second appeal.

The learned counsel has further submitted that the ad-velorem court fees were not paid of Rs. 5000/- although that amount was mentioned in the Bainapatra.  
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