

Civil Procedure Code, 1908 (V of 1908) Order XLI Rule 31, S. 96 - First Appeal - High Court has not framed the points for determination as required under Order XLI Rule 31 CPC - High Court has neither re- appreciated the entire evidence on record nor has given any specific findings on the issues which were even raised before the learned Trial Court - High Court has failed to exercise the jurisdiction vested in it as a First Appellate Court; the High Court has not at all re- appreciated the entire evidence on record; and not even considered the reasoning given by the learned Trial Court, in particular, on findings recorded by the learned Trial Court on the issue of willingness - Therefore, as such, the impugned judgment and order passed by the High Court is unsustainable - Practice and procedure.

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