

intermediate transferees to one Muhammad Mohideen Cader Saibu Mohideen Sadakku (hereinafter referred to as Sadakku), who died in 1948. The courts below also relied on the Power of Attorney bearing No. 7598 (P7) dated 30<sup>th</sup> October 1981, purported to have been executed by Sadakku's son Mohideen Abdul Cader appointing one Mohomad Ibrahim Lebbai Noor Lebbai as his Attorney with power to look after and to alienate the land described in the schedule to the petition. It is by virtue of the power alleged to have been vested in him by the said Power of Attorney that the said Noor Lebbai purported to transfer by Deed No. 6165 (P1) dated 9<sup>th</sup> February 1987 and attested by Lionel P. Dayananda, Notary Public, the entirety of the land described in the schedule to the petition to the Respondents Abdul Majeed Mohomed Mansoor and Abdul Majeed Abdul Nizar.

The substantial questions on the basis of which special leave to appeal has been granted by this Court, are set out below:-

1. (a) Is the Power of Attorney produced marked P7 proved?
  - (b) Does the Deed produced marked P1 operate to convey the title of Mohideen Abdul Cader, to the Respondents?
  - (c) If not, was the Court of Appeal in error in holding that the Learned District Judge had correctly arrived at the finding that the Respondents had established title to the subject matter of the action?
2. Did the Court of Appeal err in failing to consider that the Learned District Judge had not duly evaluated the evidence on the question of prescription?

At the instance of W. C. Dayaratne, P.C., who appeared for the Respondents, the following additional questions were also formulated for the consideration of this Court, which are set out below:-

3. Has the issue regarding the validity of the Power of Attorney marked P7 and the deed produced marked P1, been raised for the first time in the Supreme Court at the stage of application for leave?
4. Are the Appellants entitled to take up the said issue at the stage of application for Special Leave to Appeal?
5. Is it mandatory to read the documents in evidence of the Respondents at the conclusion of the trial?

#### *Certain Preliminary Matters*

Before dealing with the substantive questions on which special leave to appeal has been granted by this Court, all of which relate to the title of the contending parties to the land described in the schedule to the petition of the Respondents, it is necessary to dispose of the two preliminary questions 3 and 4 raised by learned President's Counsel for the Respondents when special leave was granted. These questions focus on the alleged belatedness in taking up the positions covered by questions 1(a) and (b) above.