

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.417 of 2008

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Sheo Pujan Singh, son of Nirantan, resident of Village Chandanpura, P.S.
Tilauthu, District Rohtas

..... Plaintiff Respondent

.... Appellant

Versus

1. The State of Bihar through the Collector, Rohtas at Sasaram, District
Rohtas Defendant No. 1 Appellant .. Respondent 1st set

2. Santosh Sah, son of Mohan Sah, resident of Village Chanpura, P.S.
Tilauthu, District Rohtas ... Defendant No. 2.... Respondent .. Respondent
2nd set.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Yogendra Prasad Sinha I
Mr. Arun Kumar

For the Respondent/s :

Mr.=====

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 09-03-2016

Heard learned Counsel for the appellant.

2. The plaintiff is the appellant in this appeal against the judgment and decree of reversal dismissing the suit by the appellate court below.

3. The plaintiff filed the suit for declaration of title and confirmation of possession along with further relief for permanent injunction against the defendants. The plaintiff has based his claim of title over the suit land on settlement made by the ex-landlord in favour of the plaintiff. It is the case of the plaintiff that since thereafter the plaintiff has been coming in possession over the suit land as its owner. It is also the case of the plaintiff that the rent receipts were granted by the ex-landlord and after vesting, by the State of Bihar. The defendant – State of Bihar in whose name the suit land has been recorded in the recent survey

proceeding as well as defendant no. 1 who claimed the settlement of the part of the suit land in his favour, have come out with the case of denial of the settlement as pleaded by the plaintiff and have also alleged that the rent receipts produced by the plaintiff were forged and fabricated documents.

4. The trial court returned the findings in favour of the plaintiff and decreed the suit. The appellate court below, however, in appeal by the defendant State of Bihar reappraised the evidence and has reversed the findings of the trial court, allowed the appeal and dismissed the suit.

5. Learned Counsel for the appellant has submitted that the plaintiff has produced the rent receipts and therefore the same ought to have been relied upon by the appellate court for granting the relief of declaration of title and confirmation of possession. No other submission has been made on behalf of the appellant.

6. After perusal of the judgments of both the courts below and considering the submissions, it is transparent from the judgment of the appellate court below that the notice of the fact has specifically been taken that the plaintiff has not produced the **Return** submitted by the ex-landlord at the time of vesting and also the **Register II** in support of his case of settlement and grant of rent receipts. During course of submission in the present appeal also it has been accepted on behalf of the appellant that no explanation for not producing the aforesaid two crucial documents has been given on behalf of the plaintiff-appellant. The appellate court below has considered the aspect that the rent receipts cannot by themselves be evidence of title and possession. The appellate court below has also taken into notice the findings given by the trial court,

and thereafter has scrutinized the evidence of the parties on record before arriving at the conclusion that the plaintiff has failed to establish the case of settlement of the suit land with him by the ex-landlord by leading cogent evidence in that regard.

7. The findings recorded by the appellate court do not appear to be unreasonable or perverse.

8. Ex consequenti, this Court does not find any substantial question of law arising in this appeal for consideration, which is, accordingly, dismissed.

(V. Nath, J.)

Snkumar/-

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Transmission Date	