

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.69 of 2014

1. Ganauri Prasad Son Of Late Ram Chandra Mahto Resident Of Village - Sewara Tola - Ramchak, P.S. Dumaria, District - Gaya

.... Appellant/s

Versus

- 1. Jagdish Pashwan Son Of Basudeo Pashwan
- 2. Sahdeo Paswan Son Of Late Teni Pashwan
- 3. Ram Nandan Pashwan Son Of Late Teni Pashwan
- 4. Mantu Pashwan Son Of Sheo Nandan Pashwan All Respondent No. 1 To 4 Are Resident Of Village - Sewara Tola - Ramchak, P.S. Dumaria, District - Gaya
- 5. Sakunti Devi Widow Of Late Ganesh Pashwan
- 6. Dharmendra Pashwan Son Of Late Ganesh Pashwan
- 7. Santosh Pashwan Son Of Late Ganesh Pashwan All Respondent No. 5 To 7 Are Resident Of Village - Raushanganj, P.O. And P.S. Raushanganj, District - Gaya
- 8. Ishwar Pashwan S/O Late Munshi Pashwan Resident Of Village - Barhail, P.O. Raniganj, P.S. Imamganj, District - Gaya.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar, Adv & Mr. Raghvendra Kumar, Adv
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 21-07-2016

Heard learned counsel for the appellant.

2. The plaintiff is the appellant in this appeal against the judgment and decree of affirmance. The plaintiff filed the suit only for the relief for grant of permanent injunction against the defendants.



3. The factual matrix of the case demonstrates that according to the case of the plaintiff the suit property belonged to one Amrit Dusadh who had four daughters. According to the plaintiff, the said Amrit Dusadh by sada gift deed had alienated his interest in the suit property in favour of his two daughters alone. The plaintiff's father was purchaser of the suit property from those two daughters of Amrit Dusadh by registered sale deeds dated 04.07.1967 and 26.06.1968. The defendants claimed their title over the suit property by purchase from the remaining two daughters of Amrit Dusadh. The suit was filed only for the relief for grant of permanent injunction against the defendants. Both the courts below have concurrently returned the findings on the issues against the plaintiff. The suit was dismissed and thereafter the appeal by the plaintiff has been dismissed by the impugned judgment and decree.

4. After considering the submissions and perusal of the judgments of both the courts below, it is manifest that though the plaintiff was aware of the two sale deeds said to have been executed by the remaining two daughters of Amrit Dusadh with regard to the suit property in favour of the defendants but no relief was claimed against the two sale deeds setting-up their invalidity for any reason. Both the courts below therefore have rightly come to the conclusion that in absence of the relief against the registered sale deeds in favour of the defendants for the suit property the relief of injunction

could not have been granted. The findings on the issue arising between the parties have been recorded by both the courts below on the scrutiny of the oral and documentary evidence adduced by the parties and this court has not been persuaded to find any perversity or unreasonableness in those findings.

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

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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