

HIGH COURT OF CHHATTISGARH, BILASPUR

SA No. 580 of 2004

- Chaituram S/o Pardesiram, Caste – Satnami, Aged about 57 years, R/o Shakti Ward, Bhatapara, Tahsil Bhatapara, District Raipur (C.G.)

---- Appellant

Versus

1. Shri Ram – Janki Raman Mandir, Through Sarvarakar, Chandrika Prasad Sharma, S/o Shri Sharda Prasad Sharma, R/o Vill. Arjuni, Tahsil Balodabazar, District Raipur (C.G.)
2. State of Chhattisgarh, Through Collector, Raipur (C.G.)

---- Respondents

For Appellant : Shri Raja Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/08/2016

Heard on admission.

2. The suit filed by the plaintiff for declaration of title based on adverse possession and consequent permanent injunction was granted by the trial Court decreeing the suit. On an appeal being filed by defendant No.1, the appeal was allowed and the judgement of the trial Court was set aside holding that the plaintiff has not perfected his title by way of adverse possession as suit land is recorded in the name of Temple/defendant No.1 and only two years for 1983-84 and 1984-85, the possession of the plaintiff is recorded and therefore, the plaintiff is not entitled for declaration of title and permanent injunction.

3. The First Appellate Court set aside the judgement and decree of the trial Court and has clearly recorded a finding that the plaintiff has not perfected his title by way of adverse possession and also clearly recorded a finding that he is not entitled for permanent injunction.

4. After hearing learned counsel for the appellant and going through the record, I find that the First Appellate Court has not committed any illegality by recording finding that the plaintiff has not perfected the title over the suit land and also not entitled for permanent injunction. The finding recorded by the first appellate Court is a finding based on evidence available on record. I do not find any substantial question of law for admission of this appeal.

5. Accordingly, the appeal deserves to be and is hereby dismissed.
No cost(s).

Sd/-
(**Sanjay K. Agrawal**)
JUDGE