

HIGH COURT OF CHHATTISGARH, BILASPUR

Second Appeal No.192 of 2007

Mohd. Rafique, S/o Abdul Gaffur, aged about 45 years, R/o Bazar Dafai, Khongapani Colliery, P.S. & Tehsil Manendragarh, Distt. Koriya (CG)

---- Appellant/
(Defendant No.1)

Versus

1. Abdul Rasid, S/o Abdul Gaffur, aged about 40 years
2. Smt. Mobina B, W/o Shri Abdul Rasid, aged about 36 years

(Both R/o 56 Dafai, Khongapani Colliery, P.S. Tehsil Manendragarh, Distt. Koriya (CG)
(Plaintiffs)

3. State of Chhattisgarh, through the Collector, Distt. Koriya (CG)

---- Respondents/
(Defendant No.2)

For Appellant: Miss Sharmila Singhai and Mr. Sanjay Agrawal, Advocates.

For State/Respondent No.3: Mr. Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

12/07/2016

1. Heard on admission.
2. Plaintiff No.1 and defendant No.1 both are brothers. The plaintiffs filed suit for permanent injunction restraining defendant No.1 from interfering with the possession of the suit property in which defendant No.1 also preferred a counter claim. The trial Court by its judgment dated 31-10-2003 dismissed the suit, however, granted counter claim directing the

plaintiffs to handover the possession of the suit land to defendant No.1. The plaintiffs preferred first appeal before the first appellate Court and the first appellate Court allowed the plaintiffs' appeal and set aside the judgment granting counter claim and further held that defendant No.1 is not entitled to evict the plaintiffs except in accordance with law against which this second appeal has been preferred by defendant No.1.

3. After hearing learned counsel for the appellant / defendant No.1 and considering the finding recorded by the trial Court in which liberty has been given to defendant No.1 to evict his tenant plaintiffs except in accordance with law which is a finding based on evidence, I do not find any substantial question of law, as liberty has already reserved by the trial Court in its judgment in favour of the defendant No.1. The appeal deserves to be and is accordingly dismissed in *limine* leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge