

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**SA No. 75 of 2016**

- Dhansay S/O Late Heeraram, Aged About 57 Years Caste Teli, Occupation Agriculturist, R/O Village Kurchundi, Keharpur, P. H. No. 43/22, Circle And Tahsil Basna, District Mahasamund (Chhattisgarh).....(Plaintiff)

**---- Appellant**

**Versus**

1. Karmu S/O Lekhan, Occupation Agriculturist, R/O Village Kurchundi, Keharpur, P. H. No. 43/22, Circle And Tahsil Basna, District Mahasamund (Chhattisgarh)
2. Rameshwar S/O Karmu, Occupation Agriculturist, R/O Village Kurchundi, Keharpur, P. H. No. 43/22, Circle And Tahsil Basna, District Mahasamund (Chhattisgarh)
3. Bhuvneshwar S/O Karmu, Occupation Agriculturist, R/O Village Kurchundi, Keharpur, P. H. No. 43/22, Circle And Tahsil Basna, District Mahasamund (Chhattisgarh)
4. The State Of Chhattisgarh Through The Collector, Mahasamund (Chhattisgarh).....(Defendants)

**---- Respondents**

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For appellant : Mr. M.K. Bhaduri, Advocate

For Respondents : Not noticed

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**(Hon'ble Shri Sanjay K. Agrawal, J)**

**Order on Board**

(16-06-2016)

1. Heard.
2. Plaintiff filed a suit for declaration of title and permanent injunction stating that four trees ( Mahua and Harra) which stand in his ownership land bearing khasra No. 78 are being interfered by the defendants, therefore, he is entitled for permanent injunction restraining the defendants.
3. The trial Court dismissed the aforesaid civil suit holding that the plaintiff has failed to prove that the said trees are standing in his ownership of land bearing khasra No. 78. On an appeal being preferred by the plaintiff, the First Appellate Court has affirmed the finding recorded by the trial Court and dismissed the appeal.

4. In second appeal preferred by the plaintiff, Mr. Malay Kumar Bhaduri, learned counsel appearing for the appellant would submit that the findings recorded by both the courts below are perverse and therefore, it gives rise to substantial question of law for determination.
5. I have heard learned counsel appearing for the appellant and have also gone through the records of both the courts below including the impugned judgment.
6. Both the courts below have concurrently recorded findings holding that the plaintiff has failed to prove that four trees ( Mahua and Harra) are standing in his ownership land bearing khasra No. 78 and such findings are based on the evidence available on record. Therefore, it is neither perverse nor contrary to the record and the appeal does not give rise to any substantial question of law for determination.
7. In view of the above, the second appeal deserves to be and is accordingly dismissed at motion hearing stage itself without notice to other side.

Sd/-

(Sanjay K. Agrawal)

Judge

Raju