

HIGH COURT OF CHHATTISGARH, BILASPUR

SA No. 584 of 2015

- Surendra Yadav S/o Brijnandan Yadav, Aged About 57 Years R/o Bhitthikala, Police Station And Post Ambikapur, Civil And Revenue District Surguja, Chhattisgarh(Defendant No.1)

---- Appellant

Versus

1. Ramdev, S/o Dalsai, Aged About 66 Years R/o Bhitthikala, Police Station And Post Ambikapur, Civil And Revenue District Surguja, Chhattisgarh(Plaintiff)
2. State of Chhattisgarh, Through: Collector, Surguja, District Surguja, Chhattisgarh(Defendant No.2)

---- Respondents

For Appellant : Mr. Manoj Paranjpe, Advocate
For Respondent-1 : Mr. Anand Kumar Shukla, Advocate
For Respondent-2 : Mr. Vinod Deshmukh, Dy. GA

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment On Board

29/06/2016

1. The plaintiff's suit for recovery of possession based on title over the suit land was decreed by the trial Court holding that the plaintiff was title holder of the suit land and defendant No.1 is only licensee. The decree granted by the trial Court was assailed before the first appellate Court by way of first appeal. The first appellate Court concurred with the finding and affirmed the judgment and decree passed by the trial Court.
2. In the second appeal filed before this Court by appellant/ defendant No.1, learned counsel for the appellant submits that the concurrent finding recorded by the two Court's below holding the plaintiff to be title holder and the defendant No.1

to be licensee is perverse and contrary to record and it raises a substantial question of law for determination.

3. In the suit filed by the plaintiff, the defendant No.1 claimed adverse possession over the suit land thereby acknowledged the title of the plaintiff over the suit land. The two Courts below have held the plaintiff to be title holder and defendant No.1 to be licensee, which is concurrent finding of fact based on the material available on record.
4. The concurrent finding recorded by two Courts below are finding of fact based on record. I do not find any substantial questions of law to be formulated for the admission of the appeal and the second appeal deserves to be and is accordingly dismissed at the admission stage itself having no substantial question of law for determination leaving the parties to bear their own cost(s).
5. Interim order stands vacated.

Sd/-
(Sanjay K. Agrawal)
Judge