

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.303 of 2014

=====

1. Ghuran Sah son of Late Siya Charan Sah
2. Lalan Sah
3. Munna Sah Both sons of Ghuran Sah
4. Ram Charitar Sah son of late Sonu Sah
5. Sakhi Chand Sah son of Ram Charitar Sah
6. Ram Bahadur Sah son of late Sonu Sah
7. Jahru Sah son of late Sonu Sah All are resident of village - Baghi, Post
office Suhird Nagar, Sub - Registry, Sub - Division and District - Begusarai

.... Appellant/s

Versus

1. Parmanand Sah
2. Parmod Sah Both sons of Sukhdeo Sah
3. Saho Devi
4. Rabo Devi Both are daughter of Balmiki Sah
5. Ram Sewak Sah son of late Suraj Sah resident of village - Baghi, Post
office Suhird Nagar, Sub - Registry, Sub - Division and District - Begusarai,
Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shashi Dhar Jha, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 23-03-2017 Heard learned counsel for the appellants.

The plaintiffs in the suit are the appellants in this appeal against the judgment and decree of reversal dismissing the suit for partition filed by the plaintiffs.

The plaintiff filed the suit for partition asserting unity of title and jointness of possession over the suit property between the plaintiffs and defendants. The defendants contested the claim of the plaintiffs as made out in the plaint and asserted that there had



been previous partition of the suit property between the parties and now there was no question of unity of title and jointness of possession between the parties over the suit property.

The trial court returned the findings in favour of the plaintiffs and granted the decree as prayed. However, the appellate court below, in appeal, on reappraisal of evidence, has set aside the findings of the trial court and allowed the appeal by the impugned judgment and decree dismissing the suit.

After considering the submissions and perusal of the the judgments of both the courts below, it is manifest that the appellate court below has considered Exts. F2 and O, which are sale deeds, with regard to the suit property, evidencing transactions of the property inter se between the predecessors of the plaintiffs and defendants. The appellate court below has further considered the spot map and spot note prepared by the survey knowing Pleader Commissioner and on that basis has come to the findings that the boundaries mentioned in the sale deeds (Exts. F2 and O) are fully supported by the spot map and spot notes of the Commissioner. Learned court below has also considered the findings recorded in Title Suit no. 37 of 2007 filed by the plaintiffs against the aforesaid transactions. The findings of



fact which have been recorded by the learned appellate court below are based upon evidence which were acceptable and could have been relied upon. This Court has not been persuaded to hold that the findings of the appellate court below are perverse or unreasonable in any manner.

In this view of the matter, this Court comes to the conclusion that no substantial question of law is arising for consideration in this second appeal which is, accordingly, dismissed.

(V. Nath, J)

sudip/-

U			
---	--	--	--

