

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.192 of 2014

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Badri Prasad Sah son of Late Ganga Sah, resident of Mohalla- Jagdishpur
(Laxmanpur), P.S.- Jamalpur, District- Munger
..... Defendant Appellant

.... Appellant

Versus

Kishan Kumar Choudhary son of Sri Vijay Choudhary, Resident of Mohalla-
Jagdishpur (Jamalpur), P.S.- Jamalpur, District- Munger
..... Plaintiff Respondent

.... Respondent

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-06-2017

1. Heard learned Counsel for the appellant.

2. The defendant is the appellant in this appeal against the judgment and decree of affirmance granting the decree to the plaintiff as prayed.

3. The matrix of facts discloses that the plaintiff filed the suit claiming title over the suit land on the basis of purchase by sale deed dated 4.12.2007 and praying for removal of encroachment over the suit land made by the defendant. The defendant in turn came out with the claim of title over the suit land on the basis of oral gift of the year 1991 and on that basis he defended his possession over the suit land.

4. Both the courts below have recorded concurrent findings of fact in favour of the plaintiff and granted the decree as prayed. The case of acquisition of title and possession over the suit land on the basis of oral gift as propounded by the defendant was accordingly disbelieved.

5. After considering the submission and perusal of judgments of



both the courts below this Court is not persuaded that the findings of fact recorded by both the courts below are perverse or unreasonable in any manner, It is well settled by now and rightly held by the courts below that no valid title or possession on the basis of oral gift can be created over an immovable property. The defendant's claim on the basis of oral gift or adverse possession has also rightly been decided by both the courts below.

5. There is no substantial question of law arising for consideration in this appeal, which is accordingly dismissed.

(V. Nath, J.)

Snkumar/-

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