

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.463 of 2011

=====

Abdul Sattar, son of Late Karamat Hussain, resident of Village Tari, P.S. Ara
Town, C.K.Road, in front of Fish Market of District Bhojpur
..... Plaintiff Appellant

.... Appellant

Versus

1. Amrendra Prasad @ Shambbu Pd.
..... Defendant No. 1 Respondent 1st set

2. Ramendra Prasad @ Shankar Prasad
..... Defendant No. 2 Respondent 2nd set

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Ram Naresh Sharma, Advocate

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 04-02-2017

Heard learned Counsel for the appellant.

2. The plaintiff is the appellant in this appeal against the
judgment and decree of affirmance dismissing the suit.

3. The plaintiff filed the suit for declaration of title over the suit
land and further for declaration that the survey entry of the suit land in
the name of the defendants was incorrect.

4. From perusal of the judgments of both the courts below it
transpires that the plaintiff's claim of title over the suit land was on the
basis of adverse possession. Both the courts below have come to the
concurrent finding that the plaintiff has failed to plead and lead cogent
evidence to establish the claim of adverse possession over the suit land.
The courts below have also taken into notice Ext. 'G' which was a
Kirayanama executed between the defendants and one Zeyaur Rahman
and thereafter Ext. 'D' which was an information petition filed



by the plaintiff on 22.9.1982 before the Sub Divisional Magistrate making complaint against Zeyaur Rahman and admitting therein that the defendants are landlord of the suit premises. It is not the case on behalf of the appellant in the present appeal or it does not appear from the judgments of both the courts below that the plaintiff has anywhere disowned the said admission made in Ext. 'D' or the said admission has been explained away in any manner.

5. After considering the submissions on behalf of the appellant that both the courts below have not properly considered evidence on behalf of the plaintiff, this Court comes to the conclusion that the findings by both the courts below have been recorded on the basis of scrutiny of evidence as led on behalf of the parties. The findings have been recorded on the basis of evidence which were acceptable and could have been relied upon. This Court has not been persuaded to find perversity or unreasonableness in the findings of fact as recorded by both the courts below in any manner.

6. Ex consequenti, this Court holds that there is no substantial question of law arising for consideration in this appeal, which is, accordingly, dismissed.

(V. Nath, J.)

Snkumar/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	14.02.2017
Transmission Date	N/A

