

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.548 of 2010

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Tarni Yadav son of late Rameshwar Mahto, resident of Village-Khaire Khad, P.S.
Katoria, District-Banka. Appellant/s

Versus

1. Jhori Mahto
2. Puleshwar Mahto
3. Rajendra Mahto, all sons of late Jaggi Mahto.
4. Kamal Mahto
5. Shyam Lal Mahto
6. Hem Lal Mahto, all sons of late Tahal Mahto resident of village-Ashnatari,
Motha Bari, P.S.-Katoria, District-Banka. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajib Ranjan Jha, Adv.
For the Respondent/s : Mr. Brij Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-07-2017

Heard Mr. Rajib Ranjan Jha, learned counsel for the
appellant. Learned counsel for the respondents is present.

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

The plaintiff filed the suit for declaration that the
plaintiff was the occupancy raiyat of the suit land and was the owner
and had also absolute title over the suit land. The defendants appeared
and contested the assertions and the reliefs claimed by the plaintiff.

Both the courts below have concurrently come to the
conclusion that the plaintiff has failed to establish his claim of title
over the suit land. The suit was dismissed and thereafter the appeal by



the plaintiff had also been dismissed by the impugned judgment and decree.

Mr. Jha, learned counsel for the appellant has submitted that the judgment and decree passed by both the courts below are vulnerable as both the courts below have not considered the evidence. No other submission has been made on behalf of the appellant.

After considering the submissions and perusal of the judgments of both the courts below, it is transparent that the evidence adduced by the plaintiff in support of his claim of title over the suit land has been elaborately considered by both the courts below. It has been found that the Hukumnama (Ext. 2) propounded as the basis of his title over the suit land by the plaintiff is fabricated document having manipulation in this regard. The rent receipts (Ext. 3 series) also disclose that the same have been issued prior to the execution of the Hukumnama. This Court, therefore, is not persuaded to hold that the findings by both the courts below are perverse or unreasonableness.

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

Devendra/-

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(V. Nath, J)

