

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.306 of 2009

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Sunil Kumar Dubey

.... Appellant/s

Versus

Yasoda Tanti & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajib Ranjan Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

7 30-03-2017 Heard Mr. Rajib Ranjan Jha, learned counsel for the
appellant.

This Second Appeal has been filed against the judgment
and decree of reversal granting the decree to the plaintiff, as
prayed.

After considering the submissions and the materials on
record including the impugned order, it is evident that the
appellate court below has granted only a part decree to the plaintiff
granting a decree of permanent injunction restraining the
defendant-respondent from making any interference in the
peaceful possession of the plaintiff over 7 ¼ decimal area of land
comprising Plot No. 546/863 and Plot No. 560/863 in Khata No.
107/38 as detailed in Schedule I of the plaint.

Mr. Rajib Ranjan Jha, learned counsel appearing on
behalf of the appellant has submitted that the relief of the plaintiff



against the sale-deed of the defendant has been turned down by the appellate court below which has upheld the validity of the sale deed dated 30.05.1990, by which the defendant-appellant had purchased the land bearing Plot No. 346/863. It is also apparent from judgment of both the courts below that the defendant has not claimed any right, title and interest over the land of Plot No. 546/863 and Plot No. 560/863 of Khata No. 107/38. In the background of these facts, conclusion is irresistible that the defendant-appellant cannot be a person aggrieved by the impugned judgment and decree passed by the appellate court, granting the part decree to the plaintiff only with regard to 7 ¼ decimal area of land comprising Plot No. 546/863 and Plot No. 560/863 in Khata No. 107/38. On behalf of the appellants, no submission could be made to persuade the Court to take another view.

In the ultimate eventuate, this Court does not find that any substantial question of law arising for consideration in this appeal, which is accordingly dismissed.

(V. Nath, J.)

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