

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.533 of 2010

SK. KALMULLAH, son of Late Sk. Md. Jaan, Resident of village- P.O. Gad Bahuari, Police Station- Palanwa, District-East Champaran

... .. Appellant/s

Versus

1. RAMA GODDI

2. Rahaman Gaddi,

Both sons of Tapesar Gaddi, Resident of Village Gad Baqhuari, P.S. Palanawa, District East Champaran

Plaintiffs----- Respondents (first set)

3. Most. Paspattia wife of Late Hasim Gaddi

4. Raj Mohammad Gaddi

5. Jah Mohammad Gaddi

6. Taj Mohammad Gaddi

7. Lal Mohammad Gaddi.

All Sons of late Harim Gaddi, All Resident of village P.O. Gad Bahuari P. S. Raxaul, District East Champaran

8. Bibi Sajado Khatoon wife of Enamul Gaddi, D/o Late Hasin Gaddi, R/o village- Khaptola-1, P.O. PoS. Gopalpur District West Champaran

9. Bibi Sayada Khatoon wife of Wokil Gaddi, D/o Late Hasim Gaddi, R/o P. S. Taktakwa, P.O. Taktakwa, P. S. Jagapatti, District West Champaran

... .. Respondents second set

Appearance :

For the Appellant/s : Mr. RAM ADYA SINGH, Advocate

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 22-02-2018

The defendant in the Title Suit No. 75 of 1996 is the appellant in the present second appeal. The learned Munsif, Raxaul decreed the suit by his judgment and decree, dated 02.08.1999, in favour of the plaintiffs. The suit was filed for declaration of title and possession over the suit property which the plaintiff has purchased from one Md. Hashim Gaddi,



through registered sale-deed executed on 18.02.1994. Md. Hasim Gaddi is said to have executed another registered sale deed in favour of the appellant on 18.05.1995, purportedly in view of *Mahadanama* executed by him on 15.01.1994. Both the Courts below have rejected the case of the defendants in respect of the execution of said *Mahadanama* dated 15.01.1994. The execution of the registered sale deed in favour of the plaintiff/respondent being earlier in time, the plaintiff's title over the suit property has been upheld by the Courts below.

2. In the present second appeal, the appellant is aggrieved by the judgment and decree, dated 07.06.2010, passed by the learned Additional District Judge FTC-IV, Motihari, in Title Appeal No. 75 of 1999, whereby he has confirmed the said judgment and decree of the trial Court, dated 02.08.1999.

3. Learned Counsel appearing on behalf of the appellant has attempted to persuade this Court that the Courts below have not duly appreciated the evidence in respect of the execution of *Mahadanama*, dated 15.01.1994.

4. I do not find much substance in such submission of the learned counsel for the appellant after having gone through the judgment of the Courts below. In any case, the



present second appeal cannot be said to be involving any substantial question of law, deserving its admission. Learned counsel for the appellant has also not been able to make out any substantial question of law in the present second appeal.

5. This appeal is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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