

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 514 of 2003**

Mahendra Pratap Jaiswal, S/o Shri Heera Lal Jaiswal, aged about 40 years,
Occupation Advocate Clerk, R/o Village Ramanujganj, Tehsil Pal, Distt. Surguja
(C.G.)

----Appellant/plaintiff

Versus

1. Heera Lal Soni, S/o Ram Ratan Soni, aged about 55 years by Caste Sonar,
Occupation Jeweller Maker, R/o Village – Ramanujganj Tah. Pal, Distt. Surguja
(C.G.)
2. Smt. Anita Davi, W/o Sanjay Gupta, aged about 30 years, R/o Villge Nardiha,
Bazar, P.S. Chhattarpur, Distt. Palamu Bihar (Now Jharkhand)
3. State of Chhattisgarh, Through Distt. Collector Surguja, Ambikapur (C.G.)

---- Respondents/defendants

For Appellant : Shri Sushil Dubey, Advocate
For Respondent No.3/State : Shri Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/09/2018

1. This is plaintiff's Second Appeal filed under Section 100 of CPC against the judgment and decree dated 25.07.2003, passed by Additional District Judge, Ramanujganj, Distt. Surguja, in Civil Appeal No. 81-A/2002 affirming the judgment and decree dated 27.11.1999 passed by Civil Judge, Class-I, Ramanujganj, Distt. Surguja in Civil Suit No. 17-A/89.
2. The plaintiff, appellant herein, filed a civil suit for declaration of title that he is title holder of the suit house situated in Khasra No. 132/1 whereas defendants claimed that suit house is situated on the land owned by defendants being Khasra No. 132/11.
3. The trial Court, by its judgment and decree dated 27.11.1999, has held that the suit house is owned by defendant and plaintiff is not entitled for decree of declaration of title, which has been affirmed by the appellate Court by the impugned judgment & decree. Hence, this second appeal.

4. Mr. Sushil Dubey, learned counsel appearing for the appellants/plaintiffs would submit the both the courts below have concurrently erred in dismissing the suit of the plaintiff and that give rise a substantial question of law for determination in this appeal.

5. I have heard learned counsel appearing for the appellants and perused the records of both the courts below with utmost circumspection.

6. Both the courts below have concurrently recorded a finding that the suit house is situated in Khasra No. 132/11, which is owned by defendant No.1, as such, the plaintiff is not entitled for decree of declaration of title, which is the finding of fact based on material available on record and I do not find it either perverse or contrary to record and no question of law much less substantial question of law is involved in this appeal.

7. Thus, the second appeal being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

