

HIGH COURT OF CHHATTISGARH, BILASPUR**SECOND APPEAL No. 170 of 2008**

Budhdudas S/o Late Sahasdas Manikpuri, aged about 65 years, By Profession Agriculturist, R/o village Barbhatha, Beltara, Tahsil and District Bilaspur (C.G.)

---- Appellant / Defendant No. 1

Versus

1. Mohardas S/o Sudhdudas, aged about 37 years, Caste Panika, Manikpuri, By Profession Agriculturist, R/o village Barbhatha, Beltara, Tahsil and District Bilaspur (C.G.)...[Plaintiff]
2. Kunwardas S/o Sudhdudas, aged about 40 years, Caste Panika, Manikpuri, By Profession Agriculturist, R/o village Barbhatha, Beltara, Tahsil and District Bilaspur (C.G.)...[Plaintiff]
3. Sonkunwar Wd/o Sudhdudas, aged about 60 years, Caste Panika, Manikpuri, By Profession Agriculturist, R/o village Barbhatha, Beltara, Tahsil and District Bilaspur (C.G.)...[Plaintiff]
4. State of Chhattisgarh, through the Collector, Bilaspur (C.G.)... [Plaintiff]
5. Andhiyar Singh S/o Sukun Singh, aged about 45 years, Caste Gond, By Occupation Agriculturist, R/o Village Barbhatha, Beltara, Tahsil and District Bilaspur (C.G.).....[Defendant No. 2]

---- Respondents

For Appellant	:	Mr. Malay Kumar Bhaduri, Advocate.
For Respondent No.4 / State	:	Ms. Astha Shukla, PL.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/10/18

1. This is defendant No. 1's second appeal filed under Section 100 of the Code of Civil Procedure, 1908 whereby the First Appellate Court has affirmed the judgment and decree passed by the trial Court by which the said Court has decreed the suit in favour of the plaintiff holding that the suit land is held jointly by plaintiff and defendant No. 1 and defendant

No. 2 was restrained from interfering with their possession.

2. Learned counsel appearing for the appellant submits that the concurrent finding recorded by the two Courts below is perverse and contrary to law and gives rise to substantial question of law for determination.

3. I have heard learned counsel for the appellant.

4. The trial Court has held that the suit land is owned and possessed by the plaintiff and defendant No. 1 jointly and defendant No. 2 has no right to interfere in the said property which finding has been affirmed by the First Appellate court which is neither perverse nor contrary to record. As such, I do not find any illegality or perversity much less for determination of substantial question of law in this second appeal.

5. Accordingly, the second appeal deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge