

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FA No. 83 of 2018**

- M/s Shri Bajrang Power & Ispat Limited A Company Incorporated Under the Provisions of the Company Act, 1956, having Its Registered Office at Village Barjhara, Urla Guma Road, District Raipur, Chhattisgarh, Through Its Power Of Attorney Holder Shri Pradeep Kumar Tiwari..... (Defendant), District : Raipur, Chhattisgarh

---- Appellant

Versus

- Smt. Anita Chaturvedi W/o Shri T R Chaturvedi R/o Kharora Road, Tilda, Tehsil Tilda, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For the appellant	:	Mr. Ankit Singhal, Advocate.
For the respondent	:	Mr. Rishi Rahul Soni, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****23-07-2018.**

1. The appellant has preferred this appeal under Section 96 of the Code of Civil Procedure, 1908 against the judgment and decree dated 2-5-2017 passed by the 7th Additional District Judge, Raipur, in Civil Suit No. 16-A of 2016, wherein the said court decreed the suit filed by the respondent for recovery of possession of the land bearing survey No. 521/64 area 1.619 hectare, situated at village Tandawa, Tehsil Tilda, District Raipur and for compensation of Rs.60,000/-.
2. The suit was filed by the respondent on the ground that the said is agricultural land in which the respondent was in peaceful

possession. The appellant/defendant installed the Power and Steel Plant near the land of the respondent and encroached the land of the respondent and materials were unloaded on her land, therefore, she was unable to cultivate the land from the year 2015 and upto year 2016 and 2017.

3. The appeal is filed on the ground that it is a case of demarcation and neither the appellant encroached the land of the respondent nor dumping any stone or fly ash on the land of the plaintiff. As per the right of record (Ex.P/3), respondent is recorded owner of the suit land. She deposed before the trial Court that the land was encroached by the appellant/defendant and he dumped the stone, fly ash and boulder on the said land, but same is not removed by the appellant, therefore, she is unable to cultivate the land for the last three years. The land area is about 4 acres and the trial Court awarded compensation @ Rs.5000/- per year and Rs.20,000/- for one year and Rs.60,000/- for three years which cannot be termed to be dis-proportionate on higher side. The appellant led no evidence before the trial Court in rebuttal of the evidence adduced by the respondent and there was no other option for the trial Court except to act on record of right placed before the respondent and the evidence adduced by her.
4. Considering all the facts and material available on record, this court is of the view that the finding of the trial Court is just and proper which does not call for any interference by this Court.

5. Accordingly, the appeal being devoid of merit is liable to be and is hereby dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju