

HIGH COURT OF CHHATTISGARH, BILASPUR**S.A. No. 435 of 2017**

Dayaluram S/o Kunwarsingh, aged about 43 years, R/o
Dhanelikanhar, Tahsil Kanker, Civil and Revenue District Uttar Bastar
Kanker (C.G.) **---- Appellant/Plaintiff**

Versus

1. Smt. Amerika Bai W/o Laxman Singh, aged about 58 years, R/
Markatola, Tahsil Kanker, Civil and Revenue District Uttar Bastar
Kanker (C.G.)
2. Bhuneshwar Singh, S/o Laxman Singh, aged about 33 years, R/
Markatola, Tahsil Kanker, Civil and Revenue District Uttar Bastar
Kanker (C.G.)
3. Smt. Kejabai Wd/o Deendayal, aged about 46 years, R/o Village
Dhanelikanhar, Tahsil Kanker, Civil and Revenue, District Uttar
Bastar, Kanker (C.G.)
4. Subhash S/o Deendayal, aged about 30 years, R/o Village
Dhanelikanhar, Tahsil Kanker, Civil and Revenue, District Uttar
Bastar, Kanker (C.G.)
5. Devchand S/o Deendayal, aged about 27 years, R/o Village
Dhanelikanhar, Tahsil Kanker, Civil and Revenue, District Uttar
Bastar, Kanker (C.G.)
6. The State of Chhattisgarh, through the Collector, Kanker, Civil and
Revenue District Uttar Bastar, Kanker (C.G.)

--- Respondents/ Defendants

For Appellant	:	Shri Punit Ruparel, Advocate.
For Respondent No. 6/State	:	Shri Ashish Surana, PL.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****27/10/18**

1. This is plaintiff's second appeal filed under Section 100 of the CPC whereby the First Appellate Court has affirmed the judgment and decree granted by the trial Court dismissing the suit of the plaintiff and decreeing the counter claim of the defendants.

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

3. I have heard learned counsel for the appellant, considered his submissions and went through the record with utmost circumspection.

4. In a suit filed by the plaintiff for declaration of title stating *inter-alia* that he is the title holder of the suit land, while granting the counter claim filed by the defendants, the trial Court has held that the plaintiff's father and their family members sold the suit land by registered sale deed dated 06.10.1976 (Ex. D/1) to Deendayal, husband of defendant No. 2(a) and father of defendant No. 2(b) & (c), and the plaintiff has forcibly possessed the suit land and constructed the house on the suit land. The said finding has been affirmed by the First Appellate Court. The concurrent finding recorded by the two Courts are based on the material available on record in which 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 with no order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge