

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 603 of 2003**

1. Govindram, son of Shri Itwari, aged about 28 years,
2. Smt. Kanwali Bai, widow of Late Param Gond, aged about 48 years.
3. Smt. Anita Daughter of Shri Param gond, wife of Shri Sukman Gond, aged about 27 years.
4. Balram, son of Shri Param Gond, aged about 23 years and
5. Bhulebai, daughter of Shri Jhagru Gond, aged about 30 years.

All are farmers, and resident of village-Baagador, Tahsil and District- Kanker (C.G.)

----Appellants/Defendants

Versus

1. Rainuram, son of Shri Suklal Gond, aged about 24 years, at present resident of village Baardeory, Tahsil and District Kanker (C.G.)
2. Sidaybai, widow of Late Sukalu Gond, aged about 58 years.
3. Jangal, son of Late Sukalu Gond, aged about 28 years,
4. Chain Singh, son of Late Sukalu Gond, aged about 28 years,
5. Mainu, son of Late Sukalu Gond, aged about 22 years.
6. Angarabai, widow of late Mangan Gond, aged about 68 years.
7. Sikhan, widow of Late Ghurau Gond, aged about 43 years,
8. Mahesh (Minor at the time of appeal before learned Lower Court, Now major), son of Late Ghurau Gond, aged about 24 years,
9. Ramesh (Minor at the time of appeal before learned Lower Court, Now major), son of Late Ghurau Gond, aged about 22 years.

Serial No. 2 to 9 are farmers and resident of vilage- Baagodar, Tah. And district Kanker (C.G.)

10. State of Chhattisgarh, through : the Collector Kanker, District – Kanker (C.G.)
Proforma Party

---- Respondents.

For Appellants	: Shri R.N. Jha, Advocate.
For State	: Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/09/2018**

- (1) Plaintiffs' suit for declaration of title has been decreed by the trial Court, which has been affirmed by the appellate Court by the impugned judgment & decree, against which instant second appeal has been filed under Section 100 of the Code of Civil Procedure.
- (2) Counsel for the appellants/defendants would submit that the trial Court has committed illegality in not accepting the plea of adverse possession raised by the defendants.
- (3) I have heard learned counsel appearing for the appellants and perused the record of both the courts below including judgment and decree impugned with utmost circumspection.
- (4) Both the courts below have concurrently recorded a finding that defendants have not perfected their title by way of adverse possession, which is a 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.
- (5) Thus, the second appeal, being devoid of merit, is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

