

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.281 of 2004**

1. Bir Bahadur Singh, S/o. Babu Kuldeep Singh, aged about 30 yrs. Caste Kshatriya
2. Lal Bahadur Singh S/o. Babu Kuldeep Singh, aged about 25 years, Caste-Kshatriya

Both are resident of village Pratapgarh, Tahsil-Sitapur, Dist. Surguja (CG)

----Appellants

Versus

1. Bandhan Ram S/o. Akalu, aged about 65 yrs. Caste-Bargaha
2. Gadda Ram S/o. Bandhan Ram, aged about 45 yrs. Caste-Bargaha
3. Man Kunwar, widow of Bahar Singh aged about 80 yrs., Caste Kshatriya
4. Lekhraj Singh, S/o. Baban Singh, aged about 50 yrs, Caste-Kashtriya

All resident of village Pratapgarh, Tahsil-Sitapur, Distt. Surguja (CG)

5. State of Chhattisgarh through Collector, Surguja, Ambikapur (CG)
6. State of Chhattisgarh through Collector Janjgir-Champa, Distirct Janjgir-Champa (CG)

---- Respondents

For Appellants	:	Mr.Neeraj Choubey, Advocate
For Respondent No.5	:	Mr.Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/08/2018

1. The plaintiffs' suit for declaration of title and permanent injunction was dismissed by the trial Court and upheld by the First Appellate Court, which has been questioned in this second appeal.
2. Mr.Neeraj Choubey, learned counsel for the

appellants/plaintiffs, would submit that both the Courts below are absolutely unjustified in dismissing the suit by recording a finding which is perverse and contrary to record.

3. I have heard learned counsel for the appellants, perused the judgment and decree impugned and records of the Courts below.
4. The plaintiffs set up their title in para one of plaint that they purchased the suit land by registered sale deed dated 14.3.72 from their uncle Shri Vanshraj Singh and become the owner/title holder of the suit land, but the said sale deed was neither produced nor brought on record. The trial Court rightly held that in absence of title deed, no decree can be granted and rightly dismissed the suit, which has been upheld by the First Appellate Court.
5. The concurrent finding recorded by two Courts below is the finding of fact based on evidence available on record, which is neither perverse nor contrary to record. I do not find any substantial question of law for determination of this second appeal.
6. Accordingly, the second appeal deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-