

**HIGH COURT OF CHHATTISGARH, BILASPUR****S.A. No. 165 of 2003**

1. Kriparam Sahu, aged about 66 years, S/o Late Hiralal Sahu, R/o Sadar South Ward, Dhamtari, Tahsil and District Dhamtari (C.G.)
2. Virendra Kumar Sahu, aged about 45 years, S/o Kriparam Sahu, R/o Sadar South Ward, Dhamtari, Tahsil and District Dhamtari (C.G.)

**---- Appellants/ Plaintiffs****Versus**

Adarsh Shikshan Samiti, Dhamtari, through Chimanlal Mehta, aged about 70 years, S/o Late Moolji Mehta, R/o Bastar Road, Dhamtari, Tahsil and District Dhamtari (C.G.)

**--- Respondent / Defendant**


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For Appellants / Plaintiffs : Mr. B. D. Guru, Advocate.

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****27/08/18**

1. The plaintiffs' suit for easementary right and permanent injunction was partly allowed by the trial Court stating that the plaintiffs have no easementary right on the way on the disputed land however, their easementary right for opening the doors and windows towards the suit land was granted by the trial Court. The said finding has been affirmed by the First Appellate Court against which this second appeal has been preferred.
2. Mr. B. D. Guru, learned counsel appearing for appellants would submit that the concurrent finding recorded by the two Courts below in partly rejecting the suit with regard to the easementary right on the suit way is perverse and contrary to law.
3. I have heard learned counsel for the appellants and went through the records with utmost circumspection.
4. The two Courts below have partly allowed the suit holding that the plaintiffs have easementary right of opening doors and windows towards the

suit way / land in dispute but they have no easementary right over the suit way. The said finding recorded by the two Courts below is a finding of fact based on record and as such, I do not find any illegality or perversity in said findings.

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

SD/-  
**(Sanjay K. Agrawal)**  
Judge