

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**SA No.164 of 2005**

1. Tulsiram S/o Late Sakharam, aged about 58 years,  
 2. Kumarsai S/o Late Shyamsai, aged about 38 years,  
 3. Budhansai S/o Late Shyamsai, aged about 33 years,  
 All agriculturists r/o village Ranatola Tehsil Mohla, District Rajnandgaon (CG)

---- Appellants

Versus

1. Faguaram S/o Sukhram, aged about 63 years, R/o village Alkanhar, presently residing at village Ranatola,  
 2A. Budhiyarinbai, widow of Late Faguram, aged about 73 years,  
 2B. Smt. Jagesharibai, wife of Sarjoo, Aged about 28 years,  
 Both residents of village Kahgaon  
 3. Mochiram S/o Late Ramprasad, aged about 38 years, r/o village Kehgaon  
 4. Smt. Paraniabai, wife of not known aged about 53 years, r/o village Chikhalakasa,  
 5. Smt. Shantibai, wife of not known Aged about 46 years, r/o village Barritola,  
 All Tehsil Moha, District Rajndgaon Chhattisgarh  
 6. State of Chhattisgarh, through the Collector, Rajnandgaon (CG)

---- Respondents

|                     |   |                                                                   |
|---------------------|---|-------------------------------------------------------------------|
| For Appellants      | : | Mr.Pramod Verma, Senior Advocate with<br>Mr.Sumit Verma, Advocate |
| For Respondent No.6 | : | Mr.Rahul Tamaskar, P.L.                                           |

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

**08/10/2018**

1. This is defendants second appeal under Section 100 of the CPC questioning the judgment and decree of the First Appellate Court, whereby the said Court has affirmed the judgment and decree of the trial Court holding the suit property to be exclusive property of the plaintiffs.
2. Mr.Pramod Verma, learned Senior Counsel appearing for the appellants/defendants, would submit that both the Courts below have committed legal error in holding that the suit property is exclusively held by the plaintiffs. The finding recorded by both the Courts below is perverse and it involves substantial question of law

for determination.

3. I have heard learned counsel for the appellants and perused the records of the Courts below.
4. Original plaintiffs namely Faguwaram, Faguram and their mother Sukhdei instituted a suit that the suit land described in Scheduled A is exclusive property of Sukhram and after his death, they have succeeded the suit property. The defendants are Sukhram's brother and his brother's son and have no right and title over the suit property.
5. The trial Court after appreciating oral and documentary evidence available on record has recorded a finding that it was exclusive property of Sukhram, which has been inherited by the plaintiffs and granted decree in favour of the plaintiffs negating the plea of joint property and adverse possession pleaded by the defendants, which has been affirmed by the First Appellate Court. The concurrent finding recorded by two Courts below holding the property to be exclusive property of Sukhram is the finding of fact based on evidence available on record. I do not find any perversity or illegality in the said finding much less any substantial question of law.
6. Accordingly, the second appeal deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-