

HIGH COURT OF CHHATTISGARH, BILASPUR

**SA No. 507 of 2005**

Ram Vilas, aged about 52 years, S/o Janakram Kurmi, R/o Village  
Gidhori, Tah & Distt. Bilaspur (C.G.)

**---- Appellant**

**Versus**

1. Maniram, aged about 47 years S/o Mahesh Suryavanshi, R/o Village  
Gidhori, Tah & Distt. Bilaspur (C.G.)
2. Ganiram, aged about 44 years S/o Mahesh Suryavanshi, R/o Village  
Seepat, Tah. Masturi, Distt. Bilaspur (C.G.)
3. Santosh, aged about 32 years, S/o Punnilal Suryavanshi, R/o Village  
Seepat, Tah Masturi, Distt. Bilaspur (C.G.)
4. State of Chhattisgarh through the Collector, Bilaspur C.G.

**---- Respondents**

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For Appellant : Mr. Ravindra Agrawal, Advocate.

For Respondents No. 1 to 3 : Mr. Anand Kumar Gupta, Advocate.

For Respondent No. 5 : Mr. R.K. Jaiswal, P.L.

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

**Order On Board**

**14.02.2019**

1. Heard learned counsel for the appellant/ defendant No. 2 on the question of  
admission of appeal.
2. This second appeal is preferred by appellant/ defendant No. 2 under Section  
100 of CPC.
3. The plaintiffs filed a suit for declaration of title and possession stating inter-  
alia that they are owners and title holders of khasra No. 1351/2 area 0.15  
acre and also pleaded alternatively that they have perfected their title over  
the land bearing khasra No.561 area 0.50 acre.
4. The defendant No. 2 denied the plaint allegations and prayed for dismissal  
of suit. The trial Court after appreciating oral and documentary evidence  
available on record came to the conclusion that the plaintiffs are title holders  
of the land bearing khasra No. 1351/2 area 0.15 acre and negatived the  
plea of exchange and held that it has been given only for the purposes of

cultivation and the trial Court further held that sale deed executed by Narayan Singh in favour of defendant No. 2 on 04/06/1981 is invalid and defendant No. 2 has not perfected his title over the suit land by way of adverse possession which has been upheld by the First Appellate Court in appeal preferred by defendant No. 2.

5. Both the Courts below have concurrently held that the plaintiffs are title holders of the suit land and defendant No. 2 has failed to prove and establish adverse possession over the suit land and has not perfected his title by way of adverse possession. The finding recorded by two Courts below is a finding of fact based on evidence available on record, which is neither perverse nor contrary to record. I do not find any illegality or perversity in the said finding.
6. Accordingly, the second appeal being devoid on merit is liable to be and is hereby dismissed in *limine*. No cost(s)

Sd/-

**(Sanjay K. Agrawal)**  
**Judge**