

HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 10 of 2019

- Rajendra Walde S/o Radho Walde Aged About 50 Years R/o Panchshil Colony, Bidi Colony Yadunandan Nagar Tifra Tahsil And District- Bilaspur, Chhattisgarh.

---- Appellant/ Defendant

Versus

1. Heerabai Bansod Wd/o Devram Bansod Aged About 72 Years R/o Panchshil Bidi Colony Yadunandan Nagar Tifra Bilaspur Present Address Sarkanda Bilaspur Tahsil And District- Bilaspur, Chhattisgarh..... (Plaintiff), District : Bilaspur, Chhattisgarh
2. State Of Chhattisgarh Through Collector Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Assistant Labour Commissioner Office Labor Commissioner New Composite Building Bilaspur, Chhattisgarh.....(Res. No.2 And 3 Are Defendant No. 2 To 3), District : Bilaspur, Chhattisgarh

---- Respondents

For Appellant	:	Mr. Aishwarya Pandey, Advocate
For State/ Respondent No. 2	:	Mr. Arun Shukla, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17.07.2019

1. Heard on question of admission and formulation of substantial question of law in second appeal preferred by the appellant/defendant.
2. Plaintiff/ Respondent No. 1 filed a suit for permanent injunction and possession stating inter-alia that the suit house was allotted to her by Respondents No. 2 & 3 under the Bidi Shramik Awas Yojana on 15.04.2005 in which the present appellant/ defendant No. 1 has forcibly entered into possession, which was dismissed by the trial Court, but decreed by the first appellate Court by setting aside the judgment and decree passed by the trial Court, against which this second appeal under Section 100 of the CPC has been preferred by the appellant/defendant No.1.

3. Learned counsel for the appellant/ defendant submits that the first appellate Court is absolutely unjustified in decreeing the suit in favour of the plaintiff, which is perverse and liable to be set-aside and give rise to substantial question of law for determination.
4. I have heard the learned counsel for the appellant, considered his submissions made and went through the records with utmost circumspection.
5. The first appellate Court has categorically reached to specific conclusion that the suit house was allotted to the plaintiff under Bidi Shramik Awas Yojana and she was placed in possession pursuant to the order dated 15.04.2005 vide Exhibit P-1 and defendant has illegally dispossessed her by staying in her suit premises which is apparent from the statement of the defendant and his witnesses also and thereby, granted a decree in favour of plaintiff. The finding recorded by the first appellate Court that the plaintiff is the allotment holder and entitled for decree of declaration of title and possession is a finding of fact based on evidence available on record. I do not find any illegality or perversity in the present appeal. Even 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 in limine without notice to other side. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge