

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No. 178 of 2007**

Dasharath Singh S/o Narabad aged about 50 years. Cast-Gond
R/o Village- Umarkhohi, Police Station Gaurella, Tahsil-Pendra
Road District- Bilaspur (C.G.)

---- Appellant

Versus

Sampat S/o Gambhir Singh aged about 60 year, Agriculturist, Cast-Gond,
R/o Village- Umerkhohi, Police Station Gaurella, Tahsil-Pendra Road District- Bilaspur (C.G.),

Through the legal representatives

1. Budhram Singh, aged about 5 years, S/o Narayan Singh, Minor through Natural Guardian Mother Subin Bai,
2. Subin Bai aged about 27 years, widow of Narayan Singh,

Both are resident of Village-Umerkhohi, Police Station Gaurella, Tahsil-Pendra Road District- Bilaspur (C.G.)

--- Respondents

For Appellant : Mr. Rakesh Pandey, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30.01.2019

1. This is the defendant's second appeal.
2. The plaintiff's suit for declaration of title was decreed by the trial Court and affirmed by the first appellate Court, against which, this second appeal under Section 100 of the CPC has been preferred by the appellant/defendant.
3. Learned counsel for the appellant/defendant would submit that both the Courts below decreed the suit in favour of the plaintiff on perverse ground, which gives rise to substantial question of law for determination.

4. I have heard learned counsel for the appellant/defendant and perused the records with utmost circumspection.
5. The trial Court has recorded the finding that the plaintiff's father was owner of the suit land and after his death, the plaintiff succeeded the suit land, in which the defendant got his name mutated illegally, therefore, he is entitled for declaration of title and also held that plaintiff is in possession of the suit land, which has been upheld by the first appellate Court. The finding recorded by two Courts below that the plaintiff is owner of the suit land and also in possession of suit land, therefore, he is entitled for declaration of title is the finding of fact based on evidence available on record. It is neither perverse nor contrary to record.
6. Accordingly, the second appeal being devoid of merit is liable to be and is hereby dismissed in limine. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge