

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 521 of 2007**

Budhara @ Manbodh, S/o. Sarwan, Aged about 66 years, Caste- Gond,
Occupation – Agriculture, R/o. Of Village – Kalyanpur, Tahsil Surajpur, District
Surguja (C.G.)

----Appellant/plaintiff

Versus

1. Nanku, S/o. - Budhi, Aged about 41 years, Caste – Gond, Occupation -
Agriculture
2. State of Chhattisgarh Through:- The Collector, District Surguja (C.G.)

----Respondents/defendants.

For Appellant/plaintiff	:	Mr. Ashok Kumar Shukla & Mr. Atanu Ghosh, Advocate
For Respondent No. 2/State	:	Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/07/2019

Heard on the question of admission and formulation of substantial question of law for determination.

(1) The plaintiff's suit for declaration of title and permanent injunction based on sale deed dated 06.06.1955 was dismissed by the trial court and on appeal being preferred by the plaintiff, it was upheld by the first appellate Court, against which this second appeal under section 100 of the Code of Civil Procedure has been preferred by the appellant/plaintiff.

(2) Learned counsel appearing for the appellant/plaintiff would submit that both the courts below have concurrently recorded a finding against the title of the plaintiff, which is perverse and contrary to the record and, therefore, the appeal involves substantial question of law for determination.

(3) I have heard learned counsel appearing for the appellant/plaintiff on the question of

admission and perused the record of both the courts below with utmost circumspection.

(4) The plaintiff filed a suit for declaration of title and permanent injunction stating *inter alia* that he has purchased the suit land from Bhawar Sai Gond by sale deed dated 6.6.1955 and, therefore, he has become the title holder of the suit land, which both the courts below have not accepted and dismissed the suit of the plaintiff. A careful perusal of the sale deed dated 6.6.1955 (Ex.P-1) would show that by sale deed dated 06.06.1955, one Subhaso has purchased the suit land from Bhawar Sai Gond and said Subhaso has executed a will in favour of respondents No. 1 & 2 on 4.4.1995, as such, there is no sale deed in favour of the plaintiff and, therefore, both the courts below have rightly not accepted the plea raised by the plaintiff and dismissed the suit and I do not find it either perverse or contrary to record and no question of law much less substantial question of law is involved in this appeal.

(5) Accordingly, the second appeal, being devoid of merit, is liable to be and is hereby dismissed in *limine* at admission stage. No costs.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

