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HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.439 of 2004**

Daulatram Agrawal, aged about 47 years, S/o. Indarlal Agrawal, R/o Santra Badi, P.O. & Distt. Durg (CG)

---- Appellant

Versus

1. Estate Manager (Shops Department) Estate Department, Bhilai Steel Plant, P.O. Bhilai, Distt. Durg (Chhattisgarh)
2. Govind Ram Agrawal S/o. Dhanpat Ram, R/o. Sakti, P.O. Sakti, Distt. Janjgir Champa (CG)
3. R.N. Gupta, aged about 65 years, S/o. Banarasidas Gupta, R/o Sector-6, Street-19, Block 2K, P.O. Bhilai, Distt. Durg (CG)
4. Purushottam Das Agrawal, aged 30 years, S/o. Gajanand Agrawal, R/o. Murli Kirana Store, Sector-5, Market Shop No.29 P.O. Bhilai, Tah. and Distt. Durg (Chhattisgarh)

---- Respondents

For Appellant	:	Mr.Anurag Singh, Advocate
For Respondent No.1	:	Mr.Jitendra Gupta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/01/2019**

1. This is the plaintiff's second appeal.
2. The plaintiff's suit for declaration of title and permanent injunction was dismissed by the trial Court, which has been affirmed by the First Appellate Court in appeal, against which, this second appeal under Section 100 of the CPC has been filed.
3. Mr.Anurag Singh, learned counsel for the appellant/plaintiff, would submit that the judgment and decree passed by both the Courts below are perverse and contrary to record, which gives rise to substantial question of law.

4. I have heard learned counsel for the appellant/plaintiff and perused the records of the Courts below with utmost circumspection.
5. The suit property is the property of Bhilai Steel Plant and that was licensed to one Vishnu Prasad Chandrakar, from whom the plaintiff has taken on 25.6.1969 vide Ex.P/1 alleged power of attorney that is claimed to be sale. The property being the property of Bhilai Steel Plant, which was granted to original holder Vishnu Prasad Chandrakar on license to construct and run the shop, that could not be sold to the plaintiff, as such, the plaintiff has no title over the property of Bhilai Steel Plant and even he was not in possession of the suit shop. Even otherwise, the suit is barred by proviso to Section 34 of the Specific Relief Act, 1963. The finding recorded by two Courts below is the finding of fact based on evidence available on record, which is neither perverse nor contrary to record. I do not find any perversity or illegality in the said finding.
6. Accordingly, the second appeal being devoid of merit is liable to be and is hereby dismissed without notice to other side. No cost(s)

Sd/-

(Sanjay K.Agrawal)
Judge

B/-