

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 598 of 2004**

Rajnarayan Jaiswal, S/o Late Bhola Prasad Jaiswal, Aged about 40 years, Occupation Agriculturist and Business, R/o Village Jamwantpur, Post Office Tatapani, P.S. Ramanujganj, Tah: Pal Dist: Surguja (C.G.)

----Appellant/Plaintiff

Versus

1. Shri Mukhdev Tiwari, S/o Late Ramdhari Tiwari, Aged about 43 years,
2. Shri Mithlesh Tiwari, S/o Mukhdev Tiwari, Aged about 25 years.

Both are caste by Bramhan, R/o Village Jamwantpur by occupation agriculturist Post office Tatapani, P.S. Ramanujganj, Tahsil Pal, Distt: Surguja – (C.G.)

3. Shri Ashok Mandal, S/o Sahdev Mandal, Aged about 41 years By caste Bangali, By Occupation agriculturalist R/o Village Subhashnagar, Post Office Tatapani, Tah Pal, Distt: Surguja – (C.G.)
4. The State of Chhattisgarh Through Distt: Collector – Surguja – (C.G.)

----Respondents/defendants.

For Appellant : Mr. Kunal Das, Advocate.
For Respondent No. 4/State : Mr. Vimlesh Bajpai, Govt. Advocate. .

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/02/2019

- (1) This is plaintiff's second appeal under Section 100 of the Code of Civil Procedure. The plaintiff's suit for declaration of title, possession and permanent injunction has been dismissed by the trial Court. The first appeal preferred thereagainst was also dismissed, against which second appeal under Section 100 of the CPC has been preferred.
- (2) Learned counsel appearing for the appellant/plaintiff would submit the concurrent findings recorded by both the courts below are perverse and that give rise a substantial question of law for determination in this appeal.

(3) I have heard learned counsel appearing for the appellant and perused the record of both the courts below with utmost circumspection.

(4) The plaintiff claimed suit land on the basis of patta granted by the competent authority in his favour but both the courts below have concurrently held that patta granted in favour of the plaintiff was revoked by order dated 26.07.1995 passed by Sub Divisional Officer and, therefore, the plaintiff is not entitled for grant of decree in his favour. The said finding recorded by both the courts below is a finding of fact based on material available on record 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.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

