

**HIGH COURT OF CHHATTISGARH, BILASPUR****Second Appeal No. 387 of 2008**

1. Pannalal Sahu, S/o Late Jhaduram Sahu;
2. Goverdhan Sinha, S/o Not Known;

Both are Agriculturist and R/o Village Kopra, Tahsil Rajim, District Raipur (C.G.)

**----Appellants/Defendants**

**Versus**

1. Bhushan Singh Kshatriya (Thakur), aged about 65 years, S/o Late Komal Singh Thakur, R/o Village Kopra, Tahsil Rajim, District Raipur (C.G.)  
.....Plaintiff
2. The State of Chhattisgarh, through : The Collector, Raipur, District Raipur (C.G.)  
..... Defendant No. 3

**----Respondents**

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For Appellants : Mr. H.S. Patel, Advocate.  
For Respondent No. 2/ State : Ms. Akansha Jain, Deputy Govt. Advocate.

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**17/10/2019**

(1) Heard on the question of admission and formulation of substantial question of law in this second appeal preferred by defendants under Section 100 of the Code of Civil Procedure, 1908.

(2) Learned counsel appearing for the appellants/defendants would submit that the first appellate Court is absolutely unjustified in reversing the well reasoned findings recorded by the trial Court and, as such, the impugned judgment and decree passed by the first appellate Court is contrary to the facts & law, available on record and, as such,

appeal deserves to be admitted for hearing by formulating substantial question of law for determination.

(3) The plaintiff filed a suit stating *inter alia* that he is title and possession holder of the suit land bearing Khasra No. 4240 /21, 22, 23, area 30x40 sq.ft., which was dismissed by the trial Court by its judgment & decree dated 09.05.2008, however, the First Appellate Court decreed the suit in favour of the plaintiff holding that he is title and possession holder of the suit land.

(4) The First Appellate Court has clearly recorded a finding that vide Ex.P-2, the plaintiff was granted patta by the competent authority under Section 246 of the Chhatisgarh Land Revenue Code, 1959, which has been proved by the plaintiff and accordingly decreed the suit in favour of the plaintiff. This finding of fact arrived at by the first appellate Court is based on material available on record as nothing has been brought on record to hold that patta (Ex.P-2) granted by the competent authority is forged and fabricated document 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*.

Sd/-

(Sanjay K. Agrawal)  
Judge

D/-

