

HIGH COURT OF CHHATTISGARH AT BILASPUR**SA No. 35 of 2008**

Sanjay Agrawal, S/o Chandrabanshi Agrawal, Aged about 41 years,
R/o Baniyapara, Purani Basti, Raipur, Tahsil & District Raipur,
Chhattisgarh.

--- Appellant/Plaintiff

Versus

Shatruhan Thakur, S/o Bhuvneshwarlal Thakur, Aged about 62
years, R/o Village Mova, Raipur, Tahsil & District Raipur,
Chhattisgarh.

---- Respondent

For Appellant	:	Mr. Manoj Paranjpe, Advocate
For Respondents/Contemnors	:	Mr. Mateen Siddiqui, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27/08/2019

1. Heard on the question of admission and formulation of substantial question of law in this second appeal preferred by the plaintiff under Section 100 of the CPC.
2. Mr. Manoj Paranjpe, learned counsel appearing for the appellant/plaintiff would submit that both the Courts below have committed legal error in holding that plaintiff has failed to prove the extent of encroachment made by the defendant upon the suit land, after having held that plaintiff is the owner of the suit land.
3. Plaintiff herein filed a civil suit for possession and damages stating *inter alia* that defendant has encroached upon the suit land. Both the Courts below have concurrently held that though the plaintiff has established the fact that he is the owner of the suit land but he has

failed to prove that defendant has encroached upon the suit land and has also not established the extent of encroachment made by the defendant upon the suit land.

4. The concurrent finding recorded by both the Courts below that plaintiff has failed to prove the extent of encroachment made by the defendant upon the suit land is a finding of fact based on evidence available on record which is neither perverse nor contrary to record. As such, I do not find any substantial question of law for determination in this second appeal.
5. The second appeal deserves to be and is dismissed *in limine* without notice to the other side. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge