

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 402 of 2007**

Chhedi Lal, aged 50 years, son of Shri Tirath, caste Kurmi, resident of village Bartori, tehsil Bilha, District Bilaspur (C.G.)

----Appellant/Defendant

Versus

1. Meluram, aged 46 years, son of Shri Dandiram, caste Yadava,
2. Dwarika, aged 44 years, son of Shri Dandiram Yadav,

....Plaintiffs/respondents

3. Bal dau, aged 60 years, son of Shri Rambagas, caste Kurmi,

....Defendant/respondent

All above are residents of village Bartori, tehsil Bilha, District Bilaspur (C.G.)

4. State of Chhattisgarh, through the District Collector, Bilaspur, District Bilaspur (C.G.)

....Defendant/respondent

----Respondents

For Appellant : Mr. Somnath Verma, Advocate.
 For Respondent No. 4/ State : Mr. Sanjeev Sahu, PL for the State.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/08/2019

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

(2) Learned counsel appearing for the appellant would submit that both the courts below are absolutely unjustified in dismissing the suit filed by the plaintiff and rejecting the counter claim filed by the defendant No. 1- Chhedilal .

(3) The plaintiffs filed a suit for declaration of title and permanent injunction stating inter alia that suit property bearing Khasra No. 1846 area 0.43 acres and Khasra No. 1851, area 2.20 acres, total area 0.63 acres was purchased by them from one Rajaram vide registered sale deed (Ex.P-1) dated 3.2.1969 and obtained possession thereof whereas defendant No. 2– Baldau claimed to have purchased the suit property from defendant No. 1- Chhedilal.

(4) The trial Court accepted the case of the plaintiffs holding that plaintiffs have purchased the suit land from title holder of the suit property i.e. Rajaram and they are in possession over the suit property. On appeal being preferred, it was upheld by the first appellate Court, against which instant second appeal has been preferred by the defendant No. 1- Chhedi Lal.

(5) Both the courts below have concurrently recorded a finding that plaintiffs are title holder the suit land as they have purchased the suit property from Rajaram, who original title holder of the suit property, vide registered sale deed dated 3.2.1969 vide Ex.-1 and came in possession and thereafter they became title holder of the suit land. This finding of fact arrived at by the two courts below is 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.

(6) Accordingly, the second appeal, being devoid of merit, is liable to be and is hereby dismissed in *limine*.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

