

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No. 289 of 2003**

Shiv Kumar, S/o Late Shri Gigaram, R/o Village Khamhariya, P.O. Khamhariya, Tahsil & District Bilaspur, Chhattisgarh.

---- Appellant / Defendant

Versus

Laxmikant Sahu, S/o Shri Keshavram Sahu, Agriculturist, aged about 23 years, R/o Madai, P.O. Khamhariya, Tahsil & District Bilaspur, Chhattisgarh.

----Respondent / Plaintiff

For Appellant

:

Mr. Bhaskar Pyashi, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18.02.2019

1. This is defendant's second appeal under Section 100 of the Code of Civil Procedure (henceforth "CPC"). The plaintiffs' suit for permanent injunction was decreed by the trial Court. First appeal preferred thereagainst was also dismissed affirming the judgment and decree of the trial Court.
2. Learned counsel for the appellant/defendant would submit that defendant had perfected his title over the suit land by way of adverse possession and both the Courts have erred in rejecting the plea on adverse possession on penetrable grounds.
3. I have heard learned counsel appearing for the appellant on admission.
4. The plaintiff's suit for permanent injunction was based on the fact that the plaintiff purchased suit land on 25/11/1991 from Kishanlal Agrawal and he has obtained the possession thereof. Both the Courts below have concurrently held that plaintiff is in possession of the suit land from the date of purchase and that has been found proved by both the Courts and negated the plea of adverse

possession raised by defendant. Thus, the aforesaid findings of fact recorded by the two Courts below are 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 deserves to be and is hereby dismissed *in limine*.

Sd/-

(Sanjay K. Agrawal)

Judge

Harneet