NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
SA. No. 519 of 2003

Faguwa Ram S/o. Shri Mohar Sai, Aged about 45 years, R/o. Village- Pahri, PS- Shankergarh, Tah. Samri, Disst. Sarguja, Chhattisgarh.

---- Appellant

Versus

1. Duwari S/o. Shri Dash Ram, aged about 50 years.
2. State of Chhattisgarh through Collector, Sarguja, Ambikapur, Chhattisgarh.
3. Bajru S/o. Shri Dash Ram, aged about 60 years.
4. Vinai S/o. Shri Dash Ram, aged about 55 years.

All R/o. Village- Pahri, PS- Shankergarh, Tahsil Samri, Disst. Sarguja, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Manoj Paranjpe, Advocate.
For State	:	Shri A.N. Bhakta, Dy. AG.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

28/01/2019

1. Heard on M(C)P No. 1141/2003, application for condonation of delay in filing the appeal.
2. On due consideration, M(C)P No. 1141/2003, application for condonation of delay in filing the appeal is hereby condoned as sufficient cause has been shown.
3. Heard on admission.
4. The plaintiff's suit only for permanent injunction was dismissed by the trial Court after having held that the plaintiff is title-holder, but he is not in possession of the suit land. That finding has been affirmed by the First Appellate Court in appeal.
5. Learned counsel for the appellant/plaintiff submits that since title has been held to be proved by the plaintiff but he was not found in possession by the two Courts below, therefore, he may be allowed to file comprehensive/exhaustive suit for possession as his title has already been held to be proved by the two Courts below.
6. Prayer is fair and reasonable.
7. The appellant is permitted to withdraw this second appeal with liberty to file the suit for possession of the suit land. (If any)
8. Accordingly, the second appeal stand finally disposed off with the aforesaid liberty. No cost(s).

Sd /-

(Sanjay K. Agrawal)
Judge

Jamal