

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 519 of 2006**

1. Smt. Tarsila Ekka, W/o. Daud, aged about 73 years,
2. Bipin Kishore, S/o. Paulus, aged about 30 years,
3. Ajay Kumar, S/o. Paulus, aged about 21 years,
4. James Dan, S/o. Paulus, aged about 19 years,

All by caste Uraon, all resident of village – Kunkuri, P.H. No. 7, R.I.
Circle – Kunkuri, Tahsil – Kunkuri, District – Jashpur (C.G.)

---- Appellants/plaintiffs

Versus

1. Dhaneshwar, S/o. Gudul, aged about 33 years, Caste – Cheek,
2. Sukaru, S/o. Suna, aged about 68 years, Caste – Cheek,
3. Gudulu, S/o. Kariya, aged about 78 years, Caste – Chhek,
4. Janardan Sao, S/o. Devnarayan, aged about 44 years, Caste – Rauniyar,

All resident of village – Kunkuri, P.H. No. 7, R.I. Circle- Kunkuri,
Tahsil Kunkuri, District – Jashpur (C.G.)

5. Ajay Kumar Gupta, S/o. Hariprasad, aged about 48 years, Caste - Rauniya, resident of Village – Jashpur Nagar, P.H. No. 28, Tahsil and District Jashpur (C.G.)
6. The State of Chhattisgarh Through : Collector, Jashpur, District Jashpur (C.G.)

---- Respondents

For Appellants	:	Mr. Ravi Mahobia, Advocate
For Respondent No.6/State	:	Mr. Arun Shukla, Dy. Govt. Advocatte

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/08/2019

- (1) Heard on the question of admission and formulation of substantial question of law for determination.
- (2) The plaintiff filed a suit for permanent injunction and confirmation of possession, in which the trial Court returned finding that the plaintiffs are title holder of the suit land but declined to grant relief of permanent injunction stating that interference by the defendants are not proved by the plaintiffs. On an appeal being preferred, it was affirmed by the first appellate Court, against which this second appeal under Section 100 of the Code of Civil Procedure has been preferred.
- (3) Learned counsel appearing for the appellants/plaintiffs would submit the both the courts below have concurrently erred in dismissing the suit of the plaintiff and that give rise a substantial question of law for determination in this appeal.
- (4) I have heard learned counsel appearing for the appellant and perused the records of both the courts below with utmost circumspection.
- (5) Though both the courts below have concurrently recorded a finding that the plaintiffs are title holder of the suit land but declined to the grant relief of permanent injunction stating that interference by the defendants are not proved by the plaintiffs in accordance with law.
- (6) Be that as it may, since the plaintiffs have been held to be title holder of the suit land, the plaintiffs are at liberty to file fresh suit for appropriate relief, if cause of action arises in future in their favour.
- (7) With the aforesaid observation, the second appeal stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)

Judge

D/-

