

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No. 342 of 2007**

1. Tahaluram S/o Umraon Singh Chandrakar, Aged about 45 years R/o Village Arand, Tahsil & District Mahasamund, Chhattisgarh.
2. A. Meena Bai W/o Shiv Kumar Chandrakar, Aged about 35 years, R/o Belsonda, Post Belsonda, Tahsil & District Mahasamund, Chhattisgarh.

B. Reena Bai W/o Rajendra Chandrakar, Aged about 31 years, R/o Village Bharar, Post Jamgaon, Tahsil Patan, District Durg, Chhattisgarh.

C. Tukesh S/o Tahaluram Chandrakar, Aged about 25 years R/o Village Arand, Tahsil & District Mahasamund, Chhattisgarh.

---- Appellants/Defendants**Versus**

1. Joturam S/o Bhukhan Chandrakar, Aged about 46 years, R/o Arand Tahsil & District Mahasamund, Chhattisgarh. **--Plaintiff**
2. State of Chhattisgarh, Through Collector, Mahasamund, District Mahasamund, Chhattisgarh. **--- Defendant**

----Respondents

For Appellants	:	Mr. Manoj Paranjpe and Mr. Anurag Singh, Advocates
For State	:	Mr. Akash Pandey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01.08.2019**

1. Heard on admission and formulation of substantial question of law in this second appeal preferred by defendants under Section 100 of the Code of Civil Procedure, 1908.
2. Mr. Manoj Paranjpe and Mr. Anurag Singh, learned counsel for the defendants would submit that both the Courts below are

absolutely unjustified in granting decree for declaration of title and permanent injunction in favour of the plaintiff by recording a finding which is perverse and contrary to record and gives rise to substantial question of law for determination in this second appeal.

3. I have considered the submissions made by learned counsel appearing for the defendants and went through the records with utmost circumspection.
4. The suit property originally belonged to defendant No. 1 – Tahaluram. He executed a sale deed dated 23/06/1981 in favour of Manbodhi Gada, Manbodhi, Kejmati and Ghasiram. Later on, Manbodhi Gada sold the suit property to plaintiff – Vishnu Ram by way of registered sale deed dated 25/02/1986 (Exhibit P-2) and thus, plaintiff came in possession of the suit property. Thereafter, when defendant No. 1 – Tahalu Ram tried to prevent the plaintiff from getting his name recorded in the revenue records, it led to the filing of civil suit by the plaintiff which was decreed by learned trial Court as well as the first appellate Court against which this second appeal has been preferred by the defendants.
5. Both the Courts below have concurrently found title of plaintiff over the suit land by considering the registered sale deed dated 25/02/1986 (Exhibit P-2). The claim of defendant No. 1 – Tahalu Ram is that he has not received full consideration from Manbodhi Gada, Manbodhi, Kejmati and Ghasiram. If the said claim made by defendant No. 1 is valid, his remedy is to file suit for consideration amount, but he cannot question the title over the suit land which has already been transferred in favour of

Manbodhi Gada, Manbodhi, Kejmati and Ghasiram and thereafter, in favour of the plaintiff – Jotu Ram. In that view of the matter, the concurrent findings recorded by both the Courts below are neither perverse nor contrary to record and as such, no substantial question of law is involved in this second appeal.

6. Accordingly, this second appeal deserves to be and is hereby dismissed *in limine* without notice to the other side. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet