

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No. 352 of 2007**

Tahaluram S/o Umraon Singh Chandrakar, Aged about 45 years
R/o Village Arand, Tahsil & District Mahasamund, Chhattisgarh.

---- Appellant/Defendant**Versus**

Sulena Bai, W/o Joturam Chandrakar, Aged about 45 years, R/o
Village Arand, Patwari Halka No. 128, R.N.M. Khallari, Tahsil &
District Mahasamund, Chhattisgarh.

----Respondent/Plaintiff

For Appellant : Mr. Manoj Paranjpe and Mr. Anurag Singh,
Advocates

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 the defendant 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 – Tahaluram. He executed a sale deed in favour of Manbodhi Gada, Manbodhi,

Kejmati and Ghasiram. Later on, Manbodhi Gada sold the suit property to plaintiff – Sulena Bai by way of registered sale deed dated 25/02/1986 and thus, plaintiff came in possession of the suit property. Thereafter, when defendant – Tahalu Ram tried to get plaintiff's name changed 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 have been preferred by the defendant.

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. The claim of defendant – Tahalu Ram is that he has not received full consideration from Manbodhi Gada, Manbodhi, Kejmati and Ghasiram. If the said claim made by defendant 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 – Sulena Bai. 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