

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.327 of 2005**

1. Vinod Kumar, aged 40 years, S/o Jawahar Lal Tiwari,

2. Pramod Kumar, aged 35 years, S/o Jawahar Lal Tiwari

Both R/o Baloda Bazar, Tahsil Baloda Bazar, District Raipur

---- Appellants**Versus**Ashok Kumar, aged 42 years, S/o Jawahar Lal R/o Baloda Bazar,
Tahsil Baloda Bazar, District Raipur**---- Respondent**

 For Appellants : Mr. Anand Kumar Gupta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18.01.2019**

1. Heard on I.A.No.1 for condonation of delay in filing the appeal.
2. On due consideration, I.A.No.1 is allowed and delay in filing the appeal is hereby condoned.
3. Also heard on admission.
4. This is the defendants' second appeal questioning the judgment and decree passed by the First Appellate Court by which the First Appellate Court has affirmed the decree of declaration and permanent injunction granted by the trial Court.
5. Learned counsel for the appellants/defendants would submit that concurrent findings recorded by two Courts below are perverse and contrary to record which gives rise to the substantial question of law.
6. I have heard learned counsel for the appellants/defendants and

perused the impugned judgment and decree and records of the Courts below.

7. The plaintiff filed a suit for declaration of title that he is title-holder of the suit land and he has purchased the same by registered sale deed dated 4.8.1992 (Ex.P/1) and the defendants have no right to interfere with the said land as he has purchased the part of that land by registered sale deed. The trial Court accepted the plea and held that the suit land is the part of land purchased by the plaintiff vide Ex.P/1, which has been upheld by the First Appellate Court. The findings recorded by two Courts below are the finding of fact based on evidence available on record, which is neither perverse nor contrary to record.
8. Accordingly, the second appeal being devoid of merit is liable to be and is hereby dismissed in *limine*. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-