

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 4 of 2019

Lobhitram S/o Ramji Patel Aged About 54 Years R/o Village Somani,
Tahsil Patan, Up-Tahsil Bhilai-3, District - Durg, Chhattisgarh. ---
(Defendant No.1)

---- Appellant

Versus

1. Radheshyam S/o Late Ledgaram Verma Aged About 51 Years
2. Rajulal S/o Late Ledgaram Verma Aged About 39 Years
3. Ramesh Kishore S/o Late Ledgaram Verma Aged About 36 Years
All are R/o Village Somani, Tahsil Patan, Up-Tahsil Bhilai-3, District -
Durg, Chhattisgarh
4. State Of Chhattisgarh Through Collector, Durg District Durg,
Chhattisgarh. --- (Defendant No.2)

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State/ Respondent No. 4	:	Mr. I. Lakra, Deputy Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10.07.2019

1. Heard on the question of admission and formulation of substantial question of law for determination by second appeal preferred by the defendant No. 1.
2. This second appeal has been preferred by defendant No. 1 under Section 100 of the Code of Civil Procedure (for short 'the CPC') challenging the judgment and decree of the first appellate Court affirming the judgment and decree of the trial Court, decreeing the suit.
3. The plaintiff filed a suit for possession and permanent injunction stating *inter alia* that they are the owner/ title holder of the suit land and

defendant No. 1 has encroached upon the suit land and, therefore, the decree for possession be granted, as the defendant No. 1 has encroached upon the suit land.

4. The trial Court decreed the suit holding that the defendant No. 1 is the encroacher on the plaintiff's land and on appeal preferred, it was upheld by the first appellate Court.
5. Mr. Paranjpe, learned counsel for the appellant submits that the concurrent findings recorded by the two Courts below are perverse and contrary to the record and that give rise to substantial question of law for determination.
6. I have heard learned counsel for the parties, considered his submission made hereinabove and went through the records with utmost circumspection.
7. Both the Courts below have concurrently recorded a finding that the plaintiffs are the owner of the suit land and defendant no. 1 has encroached upon the suit land by constructing the Kutchcha house is a finding of fact based on material evidence available on record and I do not find it either perverse or contrary to the record and no question of law much less substantial question of law is involved in this appeal.
8. Accordingly, the second appeal being devoid of merits is liable to be and is hereby dismissed at the admission stage itself. No substantial question of law is involved for determination. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge