

HIGH COURT OF CHHATTISGARH, BILASPUR
Second Appeal No.214 of 2008

Premalal, aged 44 years, son of late Shri Munnilal Rajak, resident of Rejendra Nagar, Bilaspur, Tahsil and District Bilaspur (CG)

---- Appellant/Plaintiff

Versus

1. Municipal Corporation, Bilaspur, through the Commissioner, Municipal Corporation, Bilaspur, Tahsil and District Bilaspur (CG)
2. The Commissioner, Municipal Corporation, Bilaspur, Tahsil and District Bilaspur (CG)

---- Respondents

For Appellant/Plaintiff: Mr.Somnath Verma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27/01/2020

1. Heard this second appeal preferred by the appellant/plaintiff under Section 100 of the CPC on admission and for formulation of substantial question of law.
2. By the impugned judgment and decree, The Sixth Additional District Judge, Bilaspur dismissed Civil Appeal No.22A/07 affirming the judgment and decree passed by the Third Civil Judge Class-II, Bilaspur in Civil Suit No.56A/06 dismissing the suit filed by the plaintiff.
3. Mr.Somnath Verma, learned counsel for the appellant/plaintiff, would submit that both the Courts below have concurrently erred in dismissing the suit of the plaintiff by recording a finding which is

perverse and contrary to record and as such, the second appeal deserves to be admitted by formulating the substantial question of law for determination.

4. In a scheme launched by the Municipal Corporation, Bilaspur, the plaintiff was allotted Shop NO.31 in Bruhaspati Bazar area as tenant on monthly rent of ₹ 50/- which the plaintiff failed to pay, by which the plaintiff's tenancy was terminated by the Municipal Corporation, Bilaspur on , against which, civil suit was filed by the plaintiff seeking that the order of defendant No.2 terminating tenancy of the plaintiff dated 20.2.1996 is illegal and void, in which the defendants set-up a plea that the plaintiff has failed to pay the rent despite service of bill and demand note, consequently, his tenancy was terminated on 20.2.1996 by the Municipal Corporation, which was assailed by the plaintiff in civil appeal, which was also dismissed. Questioning the judgment and decree of the first appellate Court, this second appeal has been filed.
5. Both the Courts below have concurrently held that since the plaintiff has failed to make payment of rent agreed, his tenancy was terminated in accordance with law. Finding recorded by both the Courts below that the plaintiff has failed to make payment of rent by which his tenancy was terminated is finding of fact based on evidence available on record. It is neither

perverse nor contrary to record and as such, I do not find any substantial question of law for determination of this second appeal.

6. Consequently, the appeal being devoid of merit is liable to be and is hereby dismissed in *limine* without notice to other side.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-