

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

SA No. 69 of 2012

- Govind Kurmi Kshatriya Chhatrawas Trust Committee, Baghera, Tehsil & District Durg (CG) through Secretary Dr. Tarun Nayak, R/o Baghera, Ward No.49, Durg, Tehsil & District Durg, C.G.

----- Appellant

Versus

1. Divya Kantishikshan Samiti Panchsheel Nagar, Durg, through President, Address – Shivaji Vidyapeeth, Panchsheel Nagar, Durg, Tehsil & District Durg (CG).
2. Shivaji Vidyapeeth, Panchsheel Nagar, Durg, through Headmaster, Shivaji Vidyapeeth.

----- Respondents

For Appellant :- Ms. Trishna Das, Advocate, on behalf of Mr. B.P. Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/07/2021

1. Proceedings of this matter have been taken up through video conferencing.

2. Heard on admission and formulation of substantial question of law in second appeal preferred by the appellant / plaintiff.
3. By the impugned judgment and decree, the first appellate Court has dismissed the appeal preferred by the appellant / plaintiff claiming the decree for arrears of rent and damages.
4. Ms. Trishna Das, learned counsel for the appellant / plaintiff, would submit that both the Courts below have concurrently erred in not awarding arrears of rent and damages though the decree for eviction has been granted, as such, the appeal involves substantial question of law for determination.
5. I have heard learned counsel for the appellants / plaintiffs, considered his rival submissions and also went through the records with utmost circumspection.
6. The suit filed by the plaintiff for ejectment, arrears of rent and damages, the trial Court decreed the suit for ejectment but not granted decree for arrears of rent and damages which

the first appellate Court has also affirmed holding that the plaintiff is not entitled for arrears of rent and damages. It is stated at the bar the second appeal preferred by the defendant against the decree of the first appellate Court affirming ejectment has also been dismissed by this Court.

7. The Courts below have concurrently recorded a finding that plaintiff is not entitled for arrears of rent and damages which is finding of fact based on evidence available on record. It is neither perverse nor contrary to the records, as such, I do not find any substantial question of law for admission of this second appeal.

8. Accordingly, the second appeal being devoid of merit is liable to be and is hereby dismissed in *limine* without notice to other side. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge