

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.253 of 2010**

1. Smt. Bhagwantin Bai, Age 47 wd/o. Dwarika Prasad, Vill. Chicha, Rev. Inspector Circle, Mandir Hasaud, Teh. & Distt. Raipur CG
2. Smt. Saruj Bai Age 75 wd/o. Dwarika Prasad, At & Tah. Abhanpur

---Appellants/Defendants**Versus**

1. Bharosa S/o Kejau Yadav, Age-70, Vil. Chicha, Rev. Inspector Circle, Mandir Hasaud, Teh. & Distt. Raipur

---Plaintiff

2. State of Chhattisgarh, thro' – Collector, Raipur CG

---Respondents

For Appellants	:	Mr. Raja Sharma, Advocate
For Respondent No.2	:	Mr. Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/01/2021**

1. Heard this second appeal on admission and formulation of substantial question of law preferred by the appellants/defendants.
2. By the impugned judgment and decree, the first appellate Court dismissed the appeal preferred by the appellants/defendants affirming the judgment and decree of the trial Court decreeing the suit of the plaintiff by holding that the plaintiff is title-holder and entitled for permanent injunction.
3. Mr. Raja Sharma, learned counsel for the

appellants/defendants would submit that both the Courts below are absolutely unjustified in decreeing the suit of the plaintiff by recording a finding which is perverse to record and as such, the second appeal involves substantial question of law for determination.

4. The suit filed by the plaintiff for declaration of title that he is title-holder of the suit land bearing Khasra No.310/3 area 0.99 hectare (new Khasra No.116 area 0.37 hectare) and defendants No.1 and 2 be restrained from interfering with his peaceful possession was decreed by the trial Court and on appeal being preferred by defendants No.1 and 2, the first appellate Court affirmed the judgment and decree of the trial Court. The trial Court recorded a finding that the suit land bearing Khasra No.310/3 was originally held by one Dwarika, he sold the suit land, which is part of Khasra No.310/3 by sale deed dated 14.8.59 to Keja Bai and Keja Bai sold the suit land bearing Khasra No.310/3 area 0.99 hectare to father of the plaintiff i.e. Kejau Yadav by registered sale deed dated 31.12.64 (Ex.P-1) and in partition the suit land bearing Khasra No.310/3 area 0.99 hectare fell in the plaintiff's share and since then, he is possession over the suit land and accordingly, after appreciating oral and documentary

evidence available on record decreed the suit, which has been affirmed by the first appellate Court.

5. The finding recorded by the Courts below holding that the plaintiff is title-holder of the suit land as his father has purchased the suit land from Keja Bai by registered sale deed dated 31.12.64 (Ex.P-1), who was erstwhile title-holder and thereby the plaintiff's father became title-holder and in possession and the property received in partition to the plaintiff is a finding of fact based on evidence available on record. It is neither perverse nor contrary to record. I do not find any perversity or illegality in the said finding and even I do not find any substantial question of law for determination of this second appeal.
6. 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

B/-