

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**SA No.263 of 2012**

1. Smt. Mehamooda B, widow of Sheikh Rashul, Aged 55 Years

2. Abdul Raish, S/o Sheikh Rashul, Aged 32 Years

Both R/o Takiyapara, Durg, C.G.

**---- Appellants**

**Versus**

1. Abdul Latif, S/o Abdul Ajij, Aged 55 Years,  
R/o Takiyapara, Durg, Chhattisgarh

2. State of Chhattisgarh, Through The Collector,  
Durg, Chhattisgarh

**---- Respondents**

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For Appellants

Mr. V. K. Sharma, Advocate

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**Hon'ble Justice Shri Sanjay K. Agrawal**

**Order On Board**

**28/06/2021**

1. Heard on admission and formulation of substantial question of law in this second appeal preferred by the appellants/defendants.
2. By the impugned judgment and decree, the First Appellate Court has dismissed the appeal preferred by the appellants/defendants vide judgment and decree dated 19.04.2012 passed by

the learned 4<sup>th</sup> Additional District Judge, Durg (C.G.) in Civil Appeal No.34A/2011 affirming the judgment and decree of the Trial Court dated 09.02.2005 passed by the learned 1<sup>st</sup> Civil Judge Class-II, Durg (C.G.) in Civil Suit No.2A/2003, whereby the learned Trial Court decreed the suit preferred by the respondent No.1/plaintiff.

3. Mr. Sharma, learned counsel for the appellants/defendants, would submit that the concurrent finding recorded by both the Courts below that the plaintiff has purchased the suit land vide Ex-P/1 dated 19.05.1992 is perverse finding to the record. As such, the appeal involves substantial question of law for determination and deserves to be admitted for hearing.
4. I have heard learned counsel for the appellants/defendants, considered his submissions made herein-above and also went through the records with utmost circumspection.
5. The two Courts below have concurrently recorded a finding that the plaintiff has

purchased the suit land vide registered sale deed dated 19.05.1992 (Ex-P/1) and the defendants have no title on the basis of the said Ex-P/1 agreement to sale. The said finding recorded by the two Courts below holding that the plaintiff being the title holder of the suit land is entitled for decree for possession is finding of fact based on the material available on record, which is neither perverse nor contrary to record.

6. I do not find any substantial question of law for determination in this second appeal. It deserves to be and is hereby dismissed in *limine* without notice to the other side. No order as to cost (s).

Sd/-  
Sanjay K. Agrawal  
Judge

Nirala