

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 249 of 2011**

1. Jhulelal, aged about 33 years, S/o. Baisakhu,
2. Guddu @ Jhuluram, aged about 30 years, S/o. Baisakhu,
3. Pitamber, aged about 63 years, S/o. Nanduram Marar,
4. Bhadu, aged about 58 years, S/o. Nanduram Marar,
5. Bisahu, aged about 53 years, S/o. Nanduram Marar,
6. Biselal, aged about 51 years, S/o. Nandu Marar,
7. Panchuram, aged about 48 years, S/o. Nanduram Marar,

All are R/o. Village Daniyakhurd, PH No. 62, RNM Virendra nagar,
Tahsil and Police Station Sahaspur Lohara, Distt. Kabirdham (CG)

---- Appellants/Defendants**Versus**

1. Vishnu Ram, aged about 27 years, S/o. Jethuram Patel,
2. Bramha Ram, aged about 24 yars, S/o. Jethuram Patel,
3. Mohan Bai, aged about 52 years, Wd/o. Jethuram Patel

All the above are R/o. Village Daniyakhurd, PH NO.64, RNM
Virendra Nagar, Tahsil and Police Station Sahaspur Lohara, Distt.
Kabirdham (CG)

4. State of Chhattisgarh through Collector, Kabirdham (CG)

---Respondents/Plaintiffs

For Appellants	: Shri Ajit Singh, Advocate
For Respondents	: Not noticed

Hon'ble Shri Justice Sanjay K. Agrawal**Judgment on Board****09.02.2021.**

1. Heard on admission and formulation of substantial question of law in this second appeal preferred by the appellant herein/defendants against the impugned judgment and decree dated 21.4.2011 passed by District Judge, Kawardha Distt. Kabirdham in Civil Appeal No.21-A/2009 affirming

the judgment and decree dated 31.8.2009 passed by Civil Judge – Class-II, Kawardha in Civil Suit No.5A/2009 by which the trial Court decreed the suit filed by the plaintiffs.

2. Learned counsel for the appellants/defendants submits that both the courts below have concurrently erred in decreeing the suit in favour of the plaintiffs, by recording a finding which is perverse to the record, therefore, the appeal involves substantial question of law for determination and the appeal may be admitted for hearing by formulating substantial question of law.

3. I have heard learned counsel for the appellant and went through the record with utmost circumspection.

4. It is the case of the plaintiffs that father of defendant No.1 & defendants 3 to 5 had sold the suit land to Guha Marar, grand father of the plaintiffs, bearing Khasra No.284/3 and 284/11 at village Daniya PH No.57, RNM Virendra Nagar by way of sale deed dated 18.6.1973 and in consolidation proceedings the above khasra numbers have been changed to Khasra No.369 and 371 respectively and the plaintiffs are the title holders of the said suit land but the defendants are interfering in the suit land.

5. The trial Court after appreciating the oral and documentary evidence, decreed the suit land holding that father of defendant No.1 & defendants 3 to 5 had sold the suit land to the grand father of the plaintiffs which was earlier recorded as Khasra No.284/3 and 284/11 which has been changed to Khasra No.369 and 371 after the consolidation proceedings, as such, the plaintiffs are the owners of the suit land the defendants have no right

over the property, thereby decreed the suit in favour of the plaintiffs. The said finding of the trial Court was affirmed by the first appellate Court. Both the Courts below have rightly held that the plaintiffs are the title holders of the suit land and they are the owners of the suit property, as such, the concurrent finding of both the courts below is neither perverse nor contrary to the record and the appeal does not involve any substantial question of law .

6. The second appeal deserves to be and is accordingly dismissed in limine without notice to the other side. No cost(s).

Sd/-

(Sanjay K. Agrawal)

JUDGE