

Jharkhand High Court

Bihar State Housing Board (Now ... vs Anirudh Kumar Sahu on 26 August, 2004

Equivalent citations: 2004 (4) JCR 697 Jhr

Author: N N Tiwari

Bench: N N Tiwari

ORDER Narendra Nath Tiwari, J.

1. This appeal has been preferred by the appellants against the judgment and decree of affirmance passed by the District Judge, Seraikella-Kharsawan in Title Appeal No. 62/99 dismissing the appeal and affirming the judgment and decree dated 14.9.99 passed by the Munsif, Serikella in Title Suit No. 5/92.

2. Both the Courts below have concurrently found that the plaintiff- respondent has valid and legal right, title and interest. The plaintiffs suit was decreed on contest and after thorough appraisal of evidences and materials on record. On appeal, the said judgment and decree of the trial Court has been found sound and legal and on thorough consideration of the facts and points of law.

3. In this appeal Mr. Umesh Pd. Singh learned Senior Counsel appearing on behalf of the appellants, submitted that judgment and decrees of the Courts below are vitiated on account of non-consideration of materials on record and for not framing proper and relevant issues. From perusal of the judgment and decree of the trial Court, I find that all the relevant issues were framed and the evidences and materials on record have been dealt with in detail. After discussing and consideration the evidences the learned trial Court held that the plaintiff has valid right, title and interest by virtue of his purchase by registered sale deed and that he has been in possession over the same. On appeal, the learned lower appellate Court has also gone into the issues of title and possession elaborately and found on scrutiny of the evidences and materials on record that the plaintiff has valid right, title and interest and he has been in possession of the suit land. The appellate Court concurred with the findings of the trial Court and dismissed the appeal on detailed discussion.

4. The findings of facts arrived at by the Courts below are based on thorough discussion and proper consideration of the evidences on record on there is no legal ground for interference with the said findings of fads.

5. Mr. Umesh Prasad Singh, learned senior counsel appearing on behalf of the appellants, tried to raise some questions of law in course of his argument with regard to vesting of the estate and the consequential effect thereof on the right, title of the erstwhile proprietor who was the vendor's vendor of the plaintiff. In my opinion, the said legal issues did not arise for consideration of the Courts below in the facts and circumstances of this case. I find no infirmity in the judgments and decrees of the learned Courts below giving rise to any substantial question of law to be framed and decided in the instant appeal

6. There is, thus, no merit in this appeal which is accordingly, dismissed.