

(2018) 08 CHH CK 0312

Chhattisgarh High Court

Case No: Second Appeal No. 165 Of 2003

Kriparam Sahu And Ors

APPELLANT

Vs

Adarsh Shikshan Samiti,
Dhamtari

RESPONDENT

Date of Decision: Aug. 27, 2018

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: B. D. Guru

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. The plaintiffs' suit for easementary right and permanent injunction was partly allowed by the trial Court stating that the plaintiffs have no

easementary right on the way on the disputed land however, their easementary right for opening the doors and windows towards the suit land was

granted by the trial Court. The said finding has been affirmed by the First Appellate Court against which this second appeal has been preferred.

2. Mr. B. D. Guru, learned counsel appearing for appellants would submit that the concurrent finding recorded by the two Courts below in partly

rejecting the suit with regard to the easementary right on the suit way is perverse and contrary to law.

3. I have heard learned counsel for the appellants and went through the records with utmost circumspection.

4. The two Courts below have partly allowed the suit holding that the plaintiffs have easementary right of opening doors and windows towards the suit

way / land in dispute but they have no easementary right over the suit way. The said finding recorded by the two Courts below is a finding of fact

based on record and as such, I do not find any illegality or perversity in said findings.

5. Accordingly, the second appeal deserves to be and is hereby dismissed.