

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Second Appeal No. 41/2020

1. Lrs Of Narayan Lal, S/o Shri Swaroop Bhambhi (Since Expired)
2. Gopilal S/o Shri Narayan Lal Bhambhi, Aged About 56 Years, R/o Semliya, Tehsil Dungla
3. Premchand S/o Shri Narayan Lal Bhambhi, Aged About 53 Years, R/o Semliya, Tehsil Dungla
4. Smt. Magnibai D/o Shri Narayan Lal Bhambhi, Aged About 49 Years, W/o Shri Shankarlal, R/o Malukdas Ki Khedi, Tehsil Dungla
5. Smt. Dakhibai D/o Shri Narayan Lal Bhambhi, Aged About 47 Years, W/o Balu Bhambhi, R/o Phalasiya, Tehsil Bhadesar.
6. Smt. Keshi Bai D/o Shri Narayan Lal Bhambhi, Aged About 44 Years, W/o Mangilal, R/o Phalasiya, Tehsil Bhadesar.
7. Smt. Ugbai D/o Shri Narayan Lal Bhambhi, Aged About 42 Years, W/o Rameshwarlal, R/o Malukdas Ki Khedi, Tehsil Dungla.
8. Lrs Of Smt Leela D/o Shri Narayan Lal Bhambhi, W/o Shri Kishanlal Bhambhi (Since Expired)
9. Mamta D/o Shri Kishanlal Bhambhi, Aged About 26 Years, R/o Karunda, Tehsil Chhoti Sadri, District Pratapgarh.
10. Hitesh S/o Shri Kishanlal Bhambhi, Aged About 24 Years, R/o Karunda, Tehsil Chhoti Sadri, District Pratapgarh.

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Versus

1. Bhanwarlal S/o Shri Bheraji, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
2. Lakhma S/o Shri Bheraji, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
3. Dayaram S/o Shri Bheraji, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
4. Mangu S/o Shri Ghasiji, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
5. Rameshwar S/o Shri Kalu, B/c Meghwal, R/o Semliya

Tehsil Dungla, District Chittorgarh.

6. Mohan S/o Shri Hemraj, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
7. Tulsiram S/o Shri Roopa, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
8. Lachchhiram S/o Shri Narayan, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
9. Smt. Shobha Bai W/o Shri Kaniram, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
10. Smt. Narayani Bai W/o Shri Dayaram, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
11. Smt. Hudibai W/o Shri Lachchhiram, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
12. Smt. Pyaribai W/o Shri Bhanwarlal, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.
13. Bagdiram S/o Shri Mathaji, B/c Meghwal, R/o Semliya Tehsil Dungla, District Chittorgarh.

-----Respondents

For Appellant(s) : Ms. Alisha Dargan
For Respondent(s) : None present

HON'BLE MR. JUSTICE FARJAND ALI

ORDER

DATE OF CONCLUSION OF ARGUMENTS	01/05/2026
DATE ON WHICH ORDER IS RESERVED	01/05/2026
FULL JUDGMENT OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	07/05/2026

BY THE COURT:-

1. The instant Civil Second Appeal under Section 100 of the Code of Civil Procedure has been instituted by the appellant assailing the judgment and decree dated 05.09.2019 rendered by the learned Additional District Judge No.1, Nimbahera in Civil Appeal

No.05/2015, whereby the learned First Appellate Court affirmed the judgment and decree dated 27.01.2015 passed by the learned Civil Judge, Dungla in Original Civil Suit No.26/2008, dismissing the suit preferred by the appellant-plaintiff seeking the relief of permanent injunction.

2. Succinctly stated, the factual matrix giving rise to the present appeal is that the original plaintiff Narayanlal (since deceased) instituted a suit for permanent injunction asserting ownership and settled possession over the suit property described in the plaint. It was averred that a "Bappi Patta" had been issued in his favour nearly fifty-seven years prior and that he had remained in uninterrupted use and occupation of the said parcel of land for a considerable length of time. The plaintiff further pleaded that a well had once been excavated upon the disputed plot for water purposes, which, upon failure, came to be utilized as a pit for disposal of refuse. Along with the plaint, a site map depicting the disputed property was also placed on record. The gravamen of the allegations contained in the plaint was that the defendants, having no semblance of right, title, or interest over the suit property, allegedly arrived at the site on 01.10.2008 armed with weapons, extended threats to the plaintiff and attempted to interfere with his possession by placing stones upon the land. It was further alleged that on 03.10.2008, the defendants again visited the site and threatened to dispossess the plaintiff and raise construction thereupon, thereby compelling the plaintiff to invoke the jurisdiction of the competent civil court by filing the suit for permanent injunction.

3. Upon completion of pleadings, the learned trial Court framed the requisite issues and, after a comprehensive appreciation of the oral as well as documentary evidence adduced by the parties, proceeded to dismiss the suit vide judgment and decree dated 27.01.2015, particularly deciding Issue No.1 against the plaintiff and holding that the plaintiff had failed to establish lawful ownership and possession over the disputed property.

4. Aggrieved thereby, the plaintiff preferred a first appeal before the learned lower Appellate Court. However, the learned First Appellate Court, upon reappraisal of the material available on record, concurred with the findings returned by the learned trial Court and vide judgment dated 05.09.2019 dismissed the appeal, affirming the judgment and decree dated 27.01.2015 passed by the learned Civil Judge, Dungla. Hence, the present second appeal.

5. I have heard learned counsel for the appellant and have meticulously perused the impugned judgments passed by both the courts below as well as the entire material available on record.

6. This Court, in **CSA No.58/2011, Lrs. of Banshi Lal Vs. Lrs. of Kanheya Lal, decided on 18.08.2025**, while dealing with an analogous controversy pertaining to claim of possession and the scope of interference under Section 100 CPC, held as under:-

5. It is trite law that a Second Appeal lies only when a substantial question of law arises. The jurisdiction of this Court under Section 100 CPC is confined strictly to such questions and does not extend to reappraisal

of evidence or interference with concurrent findings of fact.

*5.1 The Hon'ble Supreme Court, in **Singaram v. Ramanathan, CA No. 4939/2021 (LL 2021 SC 445)**, emphasized that the existence and formulation of substantial questions of law are statutory mandates. Similarly, in **Sudam Kisan Gavane (D) through LRs v. Manik Ananta Shikketod (D) through LRs, Civil Appeal No. 5272 of 2010**, it was held that in the absence of such questions, the appeal must fail at the threshold.*

Applying the ratio of the aforesaid judgment to the facts of the present case, this Court is of the considered opinion that the controversy involved herein stands squarely governed by the settled principles regulating the exercise of jurisdiction under Section 100 CPC. The learned courts below, upon exhaustive appreciation of the evidence available on record, have concurrently arrived at categorical findings that the plaintiff failed to establish lawful ownership, valid title, or settled possession over the disputed property so as to entitle him to the equitable relief of permanent injunction.

7. The concurrent findings recorded by the courts below are essentially findings of fact founded upon proper scrutiny of oral and documentary evidence. Such findings neither suffer from perversity nor can they be said to be based upon misreading of evidence or patent misapplication of law. It is no longer res integra that the jurisdiction of this Court in a second appeal is circumscribed by the limitations engrafted under Section 100 CPC and does not extend to undertaking a fresh roving enquiry into

disputed questions of fact already adjudicated upon by the courts of competent jurisdiction.

8. The legislative object underlying Section 100 CPC is to impart finality to concurrent factual determinations and to restrict interference by the High Court only in cases involving a substantial question of law of general importance or a manifest legal infirmity going to the root of the matter. Mere dissatisfaction with concurrent findings or an attempt to secure reappraisal of evidence cannot furnish a valid foundation for invocation of second appellate jurisdiction.

9. In the case at hand, learned counsel for the appellant has been unable to demonstrate the existence of any substantial question of law warranting consideration by this Court. No material irregularity, jurisdictional transgression, perversity, or manifest illegality has been pointed out in the impugned judgments passed by the learned courts below. The conclusions arrived at by both the courts are firmly rooted in evidence and are fully sustainable in the eye of law.

10. This Court is, therefore, of the considered view that entertaining the present second appeal would virtually amount to converting the jurisdiction under Section 100 CPC into a third round of factual adjudication, which is impermissible in law. The findings concurrently recorded by the learned courts below do not call for any interference whatsoever.

11. Consequently, the instant Civil Second Appeal being devoid of merit and not involving any substantial question of law, deserves

dismissal and is hereby dismissed accordingly. All pending applications, including the stay petition, if any, also stand disposed of. No order as to costs.

(FARJAND ALI),J

39-Mamta/-