

**S.B. Civil Second Appeal No.344/2004****Narain Das****vs****Raman Lal & Anr.****DATE OF ORDER : - 29.8.2005****HON'BLE MR. PRAKASH TATIA,J.**

Mr. MC Bhoot, for the appellant.

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Heard learned counsel for the appellant.

According to learned counsel for the appellant the plaintiff filed the suit for eviction for the need of the plaintiff no.2. According to learned counsel for the appellant it has come on record that the plaintiff no.2 is residing at Phalodi and not in Jodhpur despite this fact the two courts below decreed the suit of the plaintiff on the ground of personal bonafide need of plaintiff no.2. It is also submitted that the plaintiff no.2 will shift Jodhpur to Phalodi the shop is not the case set up by the plaintiffs and, therefore, there arises no question of drawing any inference that plaintiff no.2 will shift to Jodhpur from Phalodi. It is also submitted that plaintiff no.2 and his family members are living at Phalodi, which has been admitted by the plaintiff no.2. According to learned counsel for the appellant the plaintiff no.2 is not unemployed, but he is already engaged in working and is an earning member of the family.

It appears from the above argument itself that the appellant wants to challenge the finding of facts recorded by the two courts below on the question of personal bonafide necessity of the plaintiffs. The two courts below considered the evidence and, thereafter, passed the decree. Therefore, this Court is not inclined to appreciate or re-appreciate the evidence of the parties to draw any other conclusion. No substantial questions of law are involved in this appeal.

Hence, the appeal of the appellant is dismissed.

**(Prakash Tatia), J.**

c.p.goyal/-