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Vijendra
Sahar,
P.S. -

1. Vinod
Sahar
Sahar

2. Yogesh
Sahar
Sahar

3. Ramesh
Sahar

Versus

4. Dulhin Mati Devi Wife Of Ramdeo Singh Resident Of Village Etwari,
P.S. Sahar District - Bhojpur, Presently Residing At Village Barki Kharaon,
P.S. Sahar District – Bhojpur Respondents.

For the Respondent/s : Mr.

3 09-09-2015 Heard Mr.P.N.Shahi, the learned senior
counsel appearing on behalf of the appellant.

The plaintiff is the appellant in this appeal against the judgment and decree of affirmance dismissing the suit with regard to the property mentioned in Schedule-K of the plaint.

The property mentioned in Schedule-K of the plaint is admittedly the property which has been gifted to the defendant no.1 by his maternal uncle's son. Besides other properties, the plaintiff has also made this gifted property



subject matter of partition on the assertion that after the gift, the said property was included in the common hotchpotch of the joint family. The said gift was made during the status of minority of the defendant no.1 and therefore it was accepted at that time by the father of the defendant no.1 as his guardian. The father of the defendant no.1 has admitted to have accepted the gift on behalf of his minor son (defendant no.1) but has further stated that he amalgamated the same with other joint family properties. It appears from the records that the defendant no.1 has resisted the claim of the plaintiff that the property gifted to him has been blended with the joint family property. The courts have taken into notice that out of the gifted property the defendant no.1 has alone alienated portions of the same in favour of strangers by executing sale deeds. The mutation of the said property is also exclusively in the name of the defendant no.1. Both the courts below after scrutiny of evidence have excluded property mentioned in Schedule-K of the plaint from the subject matter of the suit holding the same to be exclusive property of defendant no.1.

After considering the submissions and the perusal of the judgments of both the courts below, this Court has not been persuaded to hold the findings recorded by both

the courts below to be perverse or unreasonable in any manner.

Ex consequenti, this Court does not find any substantial question of law arising for consideration in this appeal, which is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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