

1. Dropa
Residen
Dist. M

2. Arjun
3. Amla
Murlig
4. Achel

.... Appellant/s

1.Dropadi Devi D/o Rajendra Yadav, wife of Wakil Prasad Yadav,
Resident of Mouza Hathionha, Pergana Nisankpur Kodha, P.S. Bihariganj,
Dist. Madhepura.

2.Arjun Yadav, s/o Kishun Yadav.

4. Achchhawati Devi wife of Umakant Yadav r/o Village Parsi P.S. Murliganj, Dist. Madhepura.

6. Dulari Devi w/o Mahendra Yadav, Resident of village/Mouza Jagatpur
P.S. Murliganj dist Madhepura.

7. Anita Devi daughter of Late Saryug Yadav

8.Bisho Yadav

9.Kailu Yadav both monor sons of Late Saryug Yadav

10. Most. Bilur Devi @ Bular Devi wife of Late Rameshwar Yadav.

11.Ashok Yadav Minor son of Late Rameshwar Yadav

12. Anil Yadav both minor sons of Late Rameshwar Yadav

13. Tej Narayan Yadav s/o late Nasib Yadav.

14. Bhola Yadav

15.Tola Yadav

16. Ramjee Yadav, All son of Chandi Yadav

All resident of Mouza Hathiondha, Pergana Nisankpur Kudha P.S.
Bihariganj Dist. Madhepura.

.....Defendant-respondent 2nd party-respondent

For the Appellant/s : Mr. Sharda Nand Mishra, Adv
For the Respondent/s : Mr.

5 Heard Mr. Shardanand Mishra, learned counsel for the
appellant.

2. The defendant is the appellant in this appeal against the judgment and decree of affirmance granting the decree to the



plaintiffs as prayed. The suit was filed by the plaintiffs for partition of their share in the suit property. The plaintiffs claimed themselves to be the daughter and widow of one Rajendra Yadav who died leaving the plaintiffs as his heirs. The contesting defendants however came forward with the case that the plaintiffs were not the heirs of the said Rajendra Yadav. It was asserted by the defendant-appellant that in fact the wife of Rajendra Yadav deserted him due to his illness and married with one Rajendra Yadav who was the resident of another village and from that wedlock the plaintiff-respondent no. 1 Dropadi Devi was born. It was also the case of defendant-appellants that Rajendra Yadav after desertion of his wife Badami Devi had adopted defendant-appellant as his son.

3. Both the courts below on the basis of appreciation of evidence have reached to the concurrent finding that Rajendra Yadav died leaving behind his daughter Dropadi Devi (respondent no. 1) and his widow Badami Devi (now deceased) as his heirs and the case propounded by the defendant that Badami Devi deserted Rajendra Yadav and married with one Rajendra Yadav of another village was disbelieved. The suit was accordingly decreed and thereafter the appeal has been dismissed by the impugned judgment and decree.

4. After considering the submissions and perusal of the judgments of both the courts below it is manifest that the issues of fact arising between the parties regarding marriage of Badami Devi with another Rajendra Yadav after deserting her husband Rajendra Yadav and the parentage of Dropadi Devi have been decided by both the courts below on the basis of scrutiny of evidence. Further both the courts below have also come to the conclusion that the defendant-appellant has failed to establish his status as adopted son of Rajendra Yadav. The findings are based upon appreciation of evidence on record and this Court has not been persuaded to find perversity in any manner or illegality in the findings recorded by the appellate court. The entire submission on behalf of the appellant has centered around reappreciation of evidence to interdict the concurrent finding of fact which is not permissible in law at the second appellate stage.

5. 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)

Ranjan/-

U			
---	--	--	--