

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.442 of 2001**

Prem Singh S/o Ram Singh Halba, aged about 54 years,
resident of Bhurkabhat, Tehsil Dondilohara, District Durg
(Chhattisgarh)

---- Appellant

Versus

1. Baisakhu @ Khorbahra S/o Shri Govind, R/o Burkobhata,
Tehsil Dondi Loahara, District Durg (CG)
2. State of Chhattisgarh through the Collector, Durg

---- Respondents

 For Appellant : Mr.Khitij Sharma, Advocate
 For Res.No.1 : Mr.B.P.Gupta and Mrs.Richa Jain,
 Advocate
 For Res.No.2 : Mr.Sameer Behar, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/07/2016**

1. Suit filed by plaintiff-Prem Singh that he is successor of deceased Ram Bharosa and therefore, he is entitled for declaration of title and possession from defendant No.1 Baishakhin was dismissed by the trial Court holding that Baishakhin is legally wedded wife of late Ram Bharosa. Against which, First Appeal was preferred, which was dismissed by the impugned judgment and decree.

2 Mr.Khitij Sharma, learned counsel appearing for the

appellant/plaintiff would submit that finding recorded by the trial Court holding defendant No.1 to be legally wedded wife of Ram Bharosa is perverse and he is only legal successor of deceased Ram Bharosa.

3. I have heard learned counsel appearing for the appellant, perused the judgment and decree impugned and records of the Courts below.

4. Two Courts below concurrently held that Baishakhin Bai to be legally wedded wife of deceased Ram Bharosa and further held that plaintiff-Prem Singh is not successor of deceased Ram Bharosa. Finding recorded by two Courts below are based on evidence available on record. I do not find any perversity or illegality in the judgment and decree impugned.

5. Consequently, the appeal being without substance is liable to be and is accordingly dismissed at the stage of admission itself. No cost(s).

Sd/-

(Sanjay K Agrawal)
Judge

B/-