

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 1150 of 2000**

Virendra Kumar, S/o Johrit, aged about 29 years, R/o
Gastitola, Post- Jamruva, Tahsil Baold, District Durg, M.P.
(now CG) Plaintiff

---- Appellant**Versus**

1. Deseer Bai, D/o Adharam, aged 28 years.
2. Hemant Kumar, S/o Not Known, aged 11 years minor and
therefore through mother Daseer Bai, D/o Adharram

Both R/o Village Gastitola, Post Jamruva, Tehsil Balod, Distt.
Durg, M.P. (Now Chhattisgarh) Defendants

---- Respondents

For Appellant: Mr. A.C. Sahu, Advocate.
For Respondents : None.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/07/2016**

Heard.

(1) This is plaintiff's Second Appeal filed under Section 100 of CPC against the judgment and decree dated 09.08.2000, passed by Addl. District Judge, Balod, District Durg, in Civil Appeal No. 23-A/99 affirming the judgment and decree dated 24.02.1999 passed by Civil Judge, Class-II, Balod, in Civil Suit No. 216-A/1998.

(2) Plaintiff- Virendra Kumar instituted a suit that defendant No. 2- Hemant Kumar is not his son with defendant No. 1- Deseer Bai.

(3) The trial Court dismissed the suit finding that plaintiff has failed to prove that defendant No. 2 is not his son with defendant no. 1 Deseer Bai.

(4) Plaintiff preferred first appeal under Section 96 of the CPC. First Appellate Court has also dismissed the appeal by affirming judgment and decree passed by the trial Court, against which instant second appeal under Section 100 of the CPC has been filed by the appellant/plaintiff pleading inter alia that the concurrent finding recorded by both the Court below that defendant no. 2 is not his son is perverse finding and raises a substantial question of law for determination .

(5) After going through the records of the Courts below and having heard learned counsel appearing for the appellant/plaintiff, I do not find any illegality or perversity in the said finding and no substantial question of law is involved to be formulated for admission of this appeal

(6) Accordingly, second appeal being devoid of merit and is liable to be and is hereby dismissed. No order as to cost (s).

Sd/-
(Sanjay K. Agrawal)
Judge

D/-