

HIGH COURT OF CHHATTISGARH, BILASPUR

SA No. 464 of 2009

- Mangri D/o Late Nohara, Aged about 42 years, oraon By Caste, R/o Village Lawkaspur, P.S. - Kusmi, Tahsil Samri, Distt.-Surguja (C.G.)

---- Appellant

Versus

1. Dukhna, S/o Mange Oraon, Aged about 60 years, R/o Village Nilkanthpur, Police Station Kusmi, Tahsil Samri, District Surguja (C.G.)
2. State Of C.G. Through Collector, Distt.-Surguja (C.G.)

---- Respondents

For Appellant	:	Shri J.S. Baraik, Advocate
For Respondent No.1	:	Shri Atanu Ghosh, Advocate
For State/Respondent No.2	:	Shri Vinod Deshmukh, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

07/07/2016

1. Heard.
2. The plaintiff – Mangri, Daughter of Late Nohara filed a suit for declaration for title and permanent injunction on 14-05-2004 stating that sale made by her mother Bolo Bai, wife of Nohara on 30-05-1969 (Ex. D-2) is not binding on her and as such she is entitled for the relief claimed in the plaint. The trial Court dismissed the suit holding that the suit is barred by time as the sale was made by Bole Bai, wife of Late Nahora in favour of defendant No.1 on 30-05-1969 and the plaintiff has failed to prove the title over the suit land.
3. On appeal preferred by the plaintiff/appellant, the First Appellate Court also declined to interfere with the concurrent findings recorded and dismissed the suit. Against which Second Appeal has been filed.

4. Learned counsel for the appellant would submit that the concurrent findings of both the Courts below is perverse as the defendant No.1/purchaser was minor and was not a bonafide purchaser. Both the Courts below concurrently held that the suit is hopelessly barred by limitation and the defendant No.1 has purchased the suit land way back in the year 1969 vide Ex. D-2. The aforesaid findings recorded by both the Courts below are based on evidence, material available on record. I do not find any substantial question of law to be formulated for admission of this appeal.

5. The appeal deserves to be dismissed and is accordingly, dismissed.

Sd/-
(**Sanjay K. Agrawal**)
JUDGE