

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.186 of 2016**

Kunwar Singh, son of Biseshar Yadav, aged about 70 years, resident of Patharri, Tahsil Pandariya, Tahsil Kawardha, District Kabirdham (CG), Civil & Revenue District Kabirdham

---- Appellant**Versus**

1. Dhankunwar Bai, daughter of Gariba Chouhan, aged about 80 years, resident of Newariguda, Tahsil Kawardha, District Kabirdham (CG)
2. State of Chhattisgarh through the Collector, Kabirdham, District Kbirdham (CG)

----Respondents

For Appellant	:	Mr.D.C.Verma, Advocate
For Respondent No.2	:	Mr.Vinod Deshmukh, Dy.G.A.

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

1. The appellant/defendant has filed this second appeal under Section 100 of the Code of Civil Procedure against the judgment and decree dated 14.1.2016 passed by the Additional District Judge, Kabirdham (Kawardha), in Civil Appeal No.9-A/2015, affirming the judgment and decree dated 9.2.2015 passed by the First Civil Judge Class-II, Pandriya, in Civil Suit No.4A/2011, whereby the trial Court has decreed the suit in favour of respondent No.1/plaintiff.
2. Plaintiff-Dhankunwr Bai filed a suit for declaration that sale deed dated 8.12.94 is null and void as she has not executed the sale deed in favour of defendant-Kunwar Singh. The trial Court after examining the hand-writing expert and other witnesses, decreed the suit filed by the plaintiff. Feeling aggrieved and dissatisfied with the judgment and decree of the trial Court decreeing the suit, the appellant/defendant preferred civil appeal before the First Appellate Court. The First Appellate Court after critical examination of the facts, oral and documentary evidence available on record, affirmed the judgment and decree of the trial Court and dismissed the appeal. Against which, the present second appeal has been filed under Section 100 of the CPC.

4. Mr.D.C.Verma, learned counsel for he appellant/defendant, would submit that concurrent finding recorded by two Courts below holding that the plaintiff has not executed the sale deed in favour of defendant No.1 is perverse and contrary to the record.
5. After hearing learned counsel for the appellant/defendant No.1 and after going through the records of the Courts below, I am of the view that concurrent finding recorded by the two Courts below that the plaintiff has not executed sale deed in favour of defendant No.1 is finding of fact based on the evidence available on record. I do not find any substantial question of law to be formulated for decision of this appeal.
6. Consequently, the appeal being without substance is liable to be and is hereby dismissed at the motion stage itself.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-