

HIGH COURT OF CHHATTISGARH, BILASPUR**SECOND APPEAL No. 602 of 2003**

Shantanu Patel, minor, aged about 13 years, through mother and natural guardian Smt. Geeta Patel, W/o Digambar Patel, R/o Village – Atarmuda, Raigarh, Tahsil and District Raigarh (C.G.)

--- Appellant / Plaintiff

Versus

1. Gangadhar S/o Parasram Patel, aged about 60 years, R/o Village Barapipar, P.S. and Tahsil Dabhara, District Janjgir Champa (C.G.)
2. Taleshwar Kumar S/o Rishikumar Patel, minor, aged about 15 years, through mother and guardian Smt. Kantibai Patel, W/o Rishikumar Patel, R/o Village Barapipar, P.S. and Tahsil Dabhara, District Janjgir Champa (C.G.)
3. Rishikumar Patel S/o Gangadhar Patel, aged about 35 years, by Occupation – teacher and agriculturist, R/o Village Barapipar, P.S. and Tahsil Dabhara, District Janjgir Champa (C.G.)
4. Digambar Patel, S/o Gangadhar Patel, aged about 38 years, R/o Village – Chhote Atarmuda.
5. State of Chhattisgarh, through the Collector, District Janjgir Champa (C.G.)

---- Respondents / Defendants

For Petitioner	:	Mr. M.P.S. Bhatia, Advocate.
For Respondents No.1 to 3	:	Mr. Vishnu Koshta, Advocate.
For Respondent No. 5/ State	:	Mr. Avinash Singh, PL.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/09/18

Heard on admission.

1. The plaintiff's suit for declaration that the sale deed dated 08.02.1990 executed by his grand-father Gangadhar (defendant No. 1 herein) is not binding to him was dismissed by the trial Court and was duly affirmed by the First Appellate Court against which this second appeal has been preferred.

2. Learned counsel for the appellant submits that both the Courts below are absolutely unjustified in dismissing the suit of the petitioner / plaintiff on the ground which is perverse and contrary to law and it involves substantial question of law for determination.

3. I have heard learned counsel for the petitioner.

4. In a suit filed by the plaintiff declaring that the sale deed dated 08.02.1990 alienating the suit property by defendant No.1 to defendant No.2 is not binding on him as he was born prior to the execution of the sale deed whereas the trial Court has clearly recorded a finding that the plaintiff has failed to establish that he was born prior to the execution of the sale deed dated 08.02.1990 which has been duly affirmed by the First Appellate Court. The findings recorded by the two Courts below holding that the plaintiff failed to establish his birth is prior to 08.02.1990 is a finding of fact based on material available on record which is neither perverse nor contrary to law. As such, I do not find any substantial question of law for determination in this second appeal.

5. Accordingly, the second appeal deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge