

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 262 of 2003**

1. Kole, Son of Ghunju Uranv, aged about 37 years, Occupation – Agriculturist, Caste- Uranv,
2. Bajru alias Korwa, Son of Ghunju Uranv, aged about 35 years, Occupation - Agriculturist, Caste – Uranv

Both are resident of village Jarhadih, Tahsil- Samari (Kusmi) Up Tahsil – Shankargarh, Distt- Surguja (C.G.)

---- Appellants/Defendants

Versus

1. Titabai, daughter of Mongal Urnav, aged about 60 years, Caste-Uranv, resident of village- Jarhadih, Tahsil – Samari (Kusmi) Up Tahsil- Shankargarh, Distt- Surguja (C.G.)
2. Bandho, daughter of Mongal Uranv, aged about 35 years, Caste – Uranv, resident of village – Ghugharo, Tahsil – Samrai (Kusmi) Up Tahsil – Shankargarh, Distt. Surguja (C.G.)
3. State of Chhattisgarh through – Collector, Surguja, Ambikapur, Distt : Surguja (C.G.)

----Respondents/plaintiffs.

For Appellants	:	Ms. Neha Kumar, Advocate.
For Respondents No. 1 & 2	:	Mr. A.N. Pandey, Advocate.
For State	:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/08/2018

(1) The suit filed by plaintiffs/respondents No. 1 & 2 for declaration of title and possession was decreed by the trial Court by its judgment & decree dated 05th May, 2000 in Civil Suit No. 15-A/98. The defendants preferred first appeal there-against. The first appellate Court by its judgment & decree dated 22.02.2003 in Civil Appeal No. 7-A/2002, after re-appreciating the entire evidence adduced in the case, affirmed the judgment and

decree passed by the trial Court.

(2) Learned counsel appearing for the appellants/defendants would submit that the concurrent findings recorded by both the courts below are perverse and that give rise a substantial question of law for determination in this appeal.

(3) I have heard learned counsel appearing for the appellant and perused the records of both the courts below with utmost circumspection.

(4) The trial Court has recorded a finding that the suit property was originally held by late Mongal and the plaintiffs are the daughters of late Mongal and they have succeeded the suit property as the widow of late Mongal, Smt. Rondho Bai had remarried with one Dhunju after death of Shri Mongal; and the defendants are the sons of Smt. Rondho Bai out of her second marriage with Dhunju, as such, plaintiffs are exclusive title holder of the suit land and decreed the suit. The said finding recorded by the trial Court has been affirmed by the first appellate Court. The said fact is the finding of fact based on material available on record and I do not find it either perverse or contrary to record and no question of law much less substantial question of law is involved in this appeal.

(6) Thus, the second appeal is liable to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

