

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 697 of 2003**

Smt. Matibai, daughter of Karlaha, wife of Sukhdas, aged about 40 years, Caste Kanwar, Occupation – House Work, Resident of Village Fatehpur, Tah. Ambikapur, District Surguja (C.G.)

---- Appellant

Versus

1. Smt. Bhagwati Bai, wife of Late Dilbandhu, aged about 60 years, occupation House Work, Resident of Village – Fatehpur, Tahsil – Ambikapur, District Surguja (C.G.)
2. State of Chhattisgarh, through : The District Collector, Surguja (C.G.)

---- Respondents

For Appellant	:	Mr. Sushil Dubey, Advocate.
For Respondent No. 2:		Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

30/08/2018

1. The appellant/plaintiff suit for declaration of title and permanent injunction was dismissed by the trial Court and counter claim filed by the defendant No.1 was decreed by the trial Court .
2. The appellant-plaintiff preferred first appeal thereagainst. The first appellate court after re-appreciating the entire evidence adduced in the case, affirmed the judgment and decree passed by the trial court. Hence, this second appeal.
3. Learned counsel appearing for the appellants/defendants would submit 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.
4. I have heard learned counsel appearing for the appellant and perused the records of both the courts below with utmost circumspection.

(5) Both the courts below have concurrently recorded a finding that the suit property belonged to one Jodhshai and said Jodhshai had two sons namely Karlaha & Dilbandhu and they have already partitioned the suit property long back in their life time and, as such, the suit property is owned by defendant No. 1, who is wife of Dilbandhu 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/-

