

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**S.A. No. 738 of 2003**

1. Pinaki @ Maheshwar, S/o Vidyanand Kalar, aged about 37 years, Occupation – Agriculturist, R/o Village – Dhimani, Tah – Kharsiya, District Raigarh (C.G.)
---- **Appellant / Plaintiff**

Versus

1. Ramlal S/o Late Kedarnath Agrawal, aged about 54 years, Occupation – Business, R/o Village – Bhupdeopur, Tah – Kharsiya, District Raigarh (C.G.)
2. Ramesh Kumar, S/o Ramlal, aged about 38 years, Occupation – Service, R/o Baikunthpur, Raigarh, District Raigarh (C.g.) through their father Ramlal Patel retired Nazul Inspector, Baikunthpur, Raigarh
3. Mukesh Kumar, S/o Ramlal Patel, aged about 37 years, R/o Baikunthpur, Raigarh, District Raigarh (C.g.) through their father Ramlal Patel retired Nazul Inspector, Baikunthpur, Raigarh
4. Narendra Kumar S/o Ramlal Patel, aged about 29 years, R/o Baikunthpur, Raigarh, District Raigarh (C.g.) through their father Ramlal Patel retired Nazul Inspector, Baikunthpur, Raigarh
5. State of Chhattisgarh, through Collector, Raigarh, District Raigarh (C.G.)
---- **Respondents / Defendants**

For Petitioner	:	Mr. Awadh Tripathi, Advocate.
For Respondent No. 5/ State	:	Mr. Aditya Sharma, PL.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/09/18**

1. The appellant / plaintiff has filed a suit for declaration of title and possession and further sought a declaration that the sale deed dated 26.03.1962 executed by his father in favour of defendant No. 1 is null and void which was dismissed by the trial Court on the ground of limitation and on merits and it has been affirmed by the First Appellate Court against which this second appeal has been preferred.

2. Learned counsel for the appellant submits that the finding recorded by the two Courts below on the question of limitation and legal necessity both are perverse and gives rise to substantial question of law for determination.
3. I have heard learned counsel for the appellant.
4. The trial Court has clearly recorded a finding that the sale deed was executed by the plaintiff's father in favour of defendant No. 1 on 26.03.1962 when the plaintiff was minor and further held that plaintiff became major on 20.05.1956 and the suit was filed on 04.03.1982 whereas it ought to have been filed within three years of the plaintiff becoming major as per Article 58/59 of the Limitation Act, 1963. Likewise, both the Courts below have concurrently found that the sale deed executed by the plaintiff's father in favour of defendant No. 1 was for legal necessity. The said finding is a finding of fact based on material available on record. As such, I do not find any substantial question of law for determination in the second appeal.
5. Accordingly, the second appeal deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge