

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 456 of 2013**

Raisingh Sen, S/o Late Sakharam Sen, aged about 65 years, r/o Village Kirwai Post Damakheda, Tahsil Simga, Civil Distt. Raipur, Revenue District Raipur (C.G.)

---- Appellant/Plaintiff

Versus

1. Netram Sahu, S/o Mukut Ram Sahu, aged about 59 years, r/o village & Post Koliha, Tahsil Simga, Civil, Distt. Raipur, Revenue District Raipur (C.G.)
2. Ganeshram Yadu, aged about 39 years,
3. Ramesh Yadu, aged about 36 years,
4. Tularam Yadu, aged about 31 years,
5. Dindayal Yadu, aged about 27 years,

Respondents No. 2 to 5, S/o Jageswar Yadu, all are r/o Village Motiyaridih Post Chouranga, Thana & Tahsil Simga, Civil Distt. Raipur Revenue District Raipur (C.G.)

6. Chaituram, S/o Ghansiram, aged about 60 years, village Akaltara, Thana & Tahsil Simga, Civil Distt. Raipur Revenue District Raipur (C.G.)
7. State of Chhattisgarh through, Collector, Raipur (C.G.)

----Respondents/Defendants

For Appellant	: Mr. Akhilesh Kumar, Advocate.
For State	: Mr. Aditya Sharma, 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

