

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No. 262 of 2004**

Durbadal Singh (since deceased) through LRs :-

- a) Dhobanin Bai, aged about 55 years, wife of Shri Bhajo Ram (D/o. Rairuma, Tahsil Dharamjaigarh, Distt. Raigarh, Chhattisgarh.
- b) Shyamlal, aged about 45 years, S/o Late Durbadal Singh, R/o Vill. Pakhnakot, Tahsil Dharamjaigarh, Distt. Raigarh, Chhattisgarh.
- c) Smt. Ambika Bai, aged about 40 years, wife of Shri Bhanu Pratap Singh (D/o late Durbadal Singh), R/o Vill. Bakaruma, Tahsil Dharamjaigarh, Distt. Raigarh, Chhattisgarh.
- d) Smt. Lalita Bai, aged about 30 years, W/o Shri Tapu Nath Singh (D/o Late Durbadal Singh), R/o Indkalo, Tahsil Dharamjaigarh, Distt. Raigarh, Chhattisgarh.

---- Appellants

Versus

1. Roopan Sai, son of Shri Saadhram, aged about 30 years.
 2. Dilipsai, son of Shri Sadhram, aged about 28 years.
 3. Ramvilas, son of Shri Roopansai, aged about 16 years (minor).
 4. Narhari Sai, son of Shri Dilip Sai, aged about 16 years (minor).
- Sl. No. 3 and 4 are minors through : their next friend Roopan Sai, son of Shri Sadhram

----Respondents/Plaintiffs

5. Sukwaro Dewa, widow of Shri Mahabeer, aged about 45 years.
6. Beerbal, son of Shri Mahabeer, aged about 35 years.
7. Duryodhan (since deceased) , through Lrs :-
 - a) Ramnath, son of Duryodhan, aged about 45 years.
 - b) Dhaneshwar, son of Duryodhan, aged about 40 years.
 - c) Maneshwar, son of Duryodhan, aged about 35 years.
 - d) Kumari Manati D/o Duryodhan, aged about 32 years.

All are agriculturist, resident of village Pakhankot, PO: Supkalo, P.S. Kapoo, Tahsil Dharamjaigarh, Distt. Raigarh, Chhattisgarh.
8. State of Chhattisgarh, through : The Collector, Distt. Raigarh, Chhattisgarh (formal party)

----Respondents/Defendants

For Appellants	:	Mr. Vivek Bhakta, Advocate.
For Respondent No. 8/State	:	Mr. R.K. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11.02.2019

1. This is the defendants' second appeal under Section 100 of the Code of Civil Procedure (henceforth "CPC"). The plaintiffs' suit was

decreed by the trial Court which was upheld by the First Appellate Court against which the second appeal has been preferred.

2. The learned counsel for the appellants/defendants would submit that defendant was the adopted son of Anand Ram and therefore, he is entitled to inherit the property of Anand Ram, as such the two Courts below have committed legal error in decreeing the suit of the plaintiffs and that gives rise to substantial question of law for determination.
3. I have heard learned counsel appearing for the appellants and perused the material available on record with utmost circumspection.
4. The suit property originally belongs to Anand Ram and the plaintiffs are successors in interest of Anand Ram whereas defendant No. 1 claimed the suit property by way of adoption, claiming to be adopted son.
5. Both the Courts below have concurrently held that defendant No. 1 failed to prove his valid adoption by Anand Ram and her wife Budhani Bai and disbelieved the adoption deed (Ex. D-4). The finding that defendant No. 1 is not adopted son of Anand Ram is a 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 sufficient question of law is involved in this appeal.
6. Accordingly, the second appeal, being devoid of merit is liable to be and hereby dismissed *in limine*.

Sd/-

(Sanjay K. Agrawal)

Judge