

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****SA No. 370 of 2004**

Baldev S/o. Sukhram, aged about 50 years, Caste-Bhatara, R/o. Village
Dhaniyaloor, Tah Jagdalpur, Disst. Bastar, Chhattisgarh.

----Appellant**Versus**

1. Mst. Sonay, Wd/o. Burunda Bhatara, Now dead, Represented through LR's.
2. Tankhodhar, S/o. Sukram Bhatara, aged about 45 years.
3. Mst. Sukari Wd/o. Sukram Bhatra, aged about 65 years.

All R/o. Village Sarguda, Tah Jagdalpur, Distt. Bastar, Chhattisgarh.

4. State of Chhattisgarh, through Collector, Bastar, C.G.

---- Respondents

For Appellant : Mr. Ram Kumar Tiwari, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/01/2019.**

1. The plaintiff's suit for declaration of title & permanent injunction was decreed by the trial Court and on appeal being preferred by defendant No.1 it was upheld by the First Appellate Court, against which this second appeal has been preferred.
2. Learned counsel appearing for the appellant/defendant No.1 submits that both the Courts below have concurrently erred in holding that defendant No.1 was not the son of Sukhram and he is the son of Budhram and as such this appeal gives rise to substantial question of law.
3. I have heard learned counsel for the appellant and perused the records.
4. The trial Court on the basis of oral and documentary evidence available on records clearly came to the conclusion that the suit property belongs

to Sukhram and defendant No.1/appellant is not the son of Sukhram. The said finding of fact is based on evidence available on record, which has rightly been upheld by the First Appellate Court. The finding of fact recorded by the two Courts below is neither perverse nor contrary to record and no substantial question of law is involved in this appeal.

5. Accordingly, the second appeal is liable to be and is hereby dismissed at the admission stage itself without notice to the other side.

Sd /-

(Sanjay K.Agrawal)
Judge