

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 120 of 2007**

Amol Das, son of Lainu Satnami, aged about 49 years, resident of Village – Mutpuri, Occupation – Labour, Tehsil – Bemetara, District – Durg (C.G.)

----Appellant/Plaintiff

Versus

1A. Gauri Bai, wife of Mehtaru, Satnami, aged about 58 years, resident of Village – Dighira, Tehsil and District – Bilaspur (C.G.)

1B. Raj Bai, wife of Dhan Singh Satnami, resident of Village – Rabeli, Tahsil – Bemetara, District Durg (C.G.)

1C. Kadam Bai, wife of Anjor Das, aged about 40 years, resident of Civil Line, Police Quarter, Rajnandgaon, District – Rajnandgaon (C.G.)

2. Padum, son of Bhunglu Satnami, aged about 44 years,

3. Ram Das, son of Bhunglu Satnami, aged about 50 years,

4. Babu Lal, son of Bhunglu Satnami, aged about 56 years, All Agriculturist and residents of Village – Mutpuri, Tehsil – Bemetara, District – Durg (C.G.)

5. State of Chhattisgarh, through The Collector, Durg, District Durg (C.G.)

----Respondents/Defendants

For Appellant : Mr. H.S. Patel, Advocate.

For Respondent No. 5/ State : Ms. Shivali Dubey, PL for the State.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/09/2019

(1) Heard on the question of admission and formulation of substantial question of law on this second appeal preferred by plaintiff under Section 100 of the Code of Civil Procedure, 1908.

(2) Learned counsel appearing for the appellant/plaintiff would submit that both the

courts below have concurrently erred in holding that plaintiff is not the grandson of Khamhan and, therefore, he is not entitled to succeed the property of Khamhan, by recording a finding which is perverse and contrary to the record 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 considered his submissions and went through the record with utmost circumspection.

(5) The suit property was originally held by Khamman. The plaintiff claimed the he is grandson of Khamman and, therefore, he would succeed the suit property, which the two courts below did not found favour with holding that plaintiff is not the grand son of Khamman, rather the plaintiff is grand son of Sukhra, son of Lainu and dismissed the suit .

(6) Both the courts below have concurrently recorded a finding that plaintiff is not the grandson of Khamman and, therefore, the plaintiff is not entitled to succeed the suit property. This said finding is a finding of fact based on material available on record and I do not find it either perverse or contrary to the record and no question of law much less substantial question of law is involved in this appeal.

(8) Accordingly, the second appeal, being devoid of merit, is liable to be and is hereby dismissed in *limine*.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

