

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.568 of 2004**

1. Shravan Singh, son of Late Chandradhwaj, aged about 42 years.
2. Purushottam Singh, son of Late Chandradhwaj Singh, aged about 40 yers,
3. Pradeep Singh, son of Late Chandradhwaj Singh, aged about 32 years,

All are resident of village Singarpur, Tah. Khairagarh, Distt. Rajnandgaon (Cg)

4A. Smt. Tejkunwar Bai Netam, Wife of Shri Goverdhan Netam, resident of Village-Singhamedi, Tah. Chowki, Distt. Rajnandgaon (Chhattisgarh)

4B. Smt. Vedkunwar Bai Netam, wife of Shri Devnarayan Netam, resident of Village Jadutola, Tah. Chowki, Distt. Rajnandgaon (CG)

4C. Smt. Ansuiya, wife of Govind Singh Netam, resident of village – Dhuri, Tah. Katghora, Distt. Bilaspur, (Now Distt. Korba) (CG)

---- Appellants

Versus

1. Balkaran Das Manikpuri, Aged about 40 years, S/o Bhadu Das Panka (Manikpuri) alias Jhadu Das Panka (Manikpuri), R/o Village Bhadera, P.O. Thakur Tola, Tahsil Chhui Khadan, District Rajnandgaon (CG)
2. State of Chhattisgarh, Through the Collector, Rajnandgaon (CG)

---- Respondents

For Appellants	:	Mr.R.N.Jha, Advocate
For Respondent No.1	:	Mr.Rakesh Pandey, Advocate
For Respondent No.2	:	Mrs. Meha Kumar, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/02/2019

1. This is the plaintiffs' second appeal under Section 100 of the CPC.

2. The plaintiffs filed a suit for declaring the sale deeds dated 16.9.85, 8.1.86 and 12.2.86 are void and the order passed by the Board of Revenue dated 27.5.92 is also void. That suit was dismissed by the trial Court finding no merit. First Appeal filed against the judgment and decree passed by the trial Court was also dismissed by the First Appellate Court.
3. Mr.R.N.Jha, learned counsel for the appellants/plaintiffs, would submit that both the Courts below erred in dismissing the suit as well as appeal by recording a finding, which is perverse and contrary to record.
4. On the other hand, Mr.Rakesh Pandey, learned counsel for respondent No.1, would support the impugned judgment and decree.
5. I have heard learned counsel for the parties on the question of admission of second appeal.
6. Both the Courts below have concurrently recorded a finding that Lal Chandradhwaj has sold the suit property to defendant No.1 for legal necessity. The finding recorded by two Courts below that alienation was made for legal necessity is a finding of fact based on evidence available on record, which is neither perverse nor contrary to record. I do not find any illegality or perversity in the said finding and even I do not find any substantial question of law for determination of this second appeal.
7. Accordingly, the second appeal being devoid of merit is liable to be and is hereby dismissed in *limine*. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-