

HIGH COURT OF CHHATTISGARH, BILASPUR**SA. No. 330 of 2003**

1. Dhan Sai S/o. Shri Lohra Uraon, aged about 40 years.
 2. Baldev S/o. Lohra Uraon, aged about 32 years.
- Both R/o. Village- Lamgaon, Tah Lundra, Distt. Surguja, Chhattisgarh.

---- Appellants**Versus**

1. Smt.Moolo Wife of Punthu Uraon, aged about 50 years.
2. Balsai S/o. Shri Loha Uraon, Tah Lundra, Distt. Surguja, Chhattisgarh.

---Respondents

For Appellants	:	Shri Shushil Dubey, Advocate.
For Respondents	:	None.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/01/2019**

1. Heard on admission.
2. This is plaintiffs' second appeal filed under Section 100 of the Code of Civil Procedure, 1908 questioning the judgment and decree of the First Appellate Court whereby the First Appellate Court has agreed with the findings of the trial Court partly decreeing the suit and dismissed the first appeal.
3. Learned counsel for the plaintiffs would submit that the First Appellate Court is absolutely unjustified in dismissing the appeal by affirming the judgment of the trial Court.
4. The plaintiffs and Defendant No.2 are sons of Lohra Uraon and property was owned by Lohra Uraon. Defendant No.2 being elder son allegedly sold the part of the suit property on 23.05.1972 for the legal necessity and for payment as debt of their father Lohra Uraon. The two sons of Lohra Uraon filed a suit declaration of title that the sale made by defendant No.2 in favour of Defendant No.1 is void and both are entitled for 1/3 share each in the suit property. The trial Court partly decreed the suit holding that the plaintiffs' are entitled for share

in the property and declared that the plaintiffs and Defendant No.2 are joint owner mentioned in the Scheduled Ka except Scheduled Kha and Ga and sale made by Defendant No.2 in favour of Defendant NO.1 for legal necessity and the payment was made for the father's debt which has been affirmed by the First Appellate Court against which this appeal has been preferred.

5. The findings of fact recorded by the two Courts that the sale was made by Defendant No.2 elder brother in favour of Defendant No.1 was for the legal necessity and payment of the old debt of their father is the findings of fact based on evidence available on record. I do not find any illegality or perversity in the said findings and any substantial question of law for determination of this appeal, therefore, this appeal is liable to be and is hereby dismissed.

Sd /-

(Sanjay K. Agrawal)
Judge