

HIGH COURT OF CHHATTISGARH, BILASPUR

SA. No. 39 of 2003

Smt. Fulkunwar Bai D/o. Late Dashrat Gond, W/o. Ramesar Gond, Aged about 56 years, R/o. Mahora, present adress Village. Dabripara, Tahsil Baikunthpur, Disst. Korla, C.G.

---- Appellant

Versus

1. Ram Singh S/o. Late Dashrath Gond, Aged about 41 years.
2. Dhyan Singh S/o. Late Dashrath Gond, aged about 39 years.
3. Ramdhan Singh S/o. Late Dashrath Gond, aged about 35 years.
4. Shivbalak S/o. Late Bhola Singh, aged about 46 years.
5. Bhim Singh S/o. Late Bhola Singh, aged about 43 years.
6. Gambhira Singh S/o. Late Bhola Singh, aged about 41 years.
7. The State of M.P. (Now Chhattisgarh) through Collector, Korla, C.G.

All R/o. Village. Dabripara, Tahsil Baikunthpur, Distt. Korla, C.G

---Respondents

For Appellant	:	Mr. A.K. Prasad, Advocate.
For State	:	Mr. A.N. Bhakta, Dy, AG.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07.01.2019

1. This is plaintiffs' second appeal filed under Section 100 of the Code of Civil Procedure, 1908 assailing the decree of the First Appellate Court by which decree of the trial Court has been affirmed dismissing the suit of plaintiff.
2. Learned counsel appearing for the appellant would submit that both the Courts below are absolutely unjustified in dismissing the suit of the plaintiff by recording findings which are perverse to the record and that gives rise to substantial question of law for determination.
3. I have heard learned counsel for the appellant/plaintiff on the question of admission.
4. Plaintiff/appellant herein filed a suit for declaration of title and confirmation of possession stating inter-alia that she is the daughter of Late Dashrath Gond who has kept her and his husband as 'Gharjia' and therefore, she and her husband both will get share equal to the

son of Late Dashrath Gond and, therefore, she is entitled for declaration and confirmation of possession of the suit land left by her father which has not been found favour with by the trial Court as well as by the learned First Appellate Court.

5. Both the Courts below have clearly recorded a finding that valid custom that 'Gharjia' daughter and her husband will get share in the property of her father equal to the son is not established by appropriate evidence, which is a finding of fact based on evidence available on record. I do not find any illegality or perversity in the said finding and any substantial question of law for determination of this appeal, therefore, this appeal is liable to be and is hereby dismissed in *limine* No order as to cost(s).

Sd /-

(Sanjay K. Agrawal)

Judge