

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.498 of 2006**

Motilal, S/o. Shri Madhav Das, aged 43 years, R/o-Near Shop of Bhimandas Gulabraj Harish Stores Banjari Road Gol Bazar, Raipur, Tehsil and District Raipur (CG)

---- Appellant**Versus**

1. Ram Kumari, Wd/o Shyam Mohan, aged about 55 years,
2. Sanjay Kumar, aged about 37 years,
3. Raj Kumar, aged about 31 years,
4. Suraj Kumar, aged about 28 years,

Respondents 2 to 4 sons of Shri Shyammohan, Resident of Gol Bazar, Raipur, Tehsil and District Raipur, Chhattisgarh

---- Respondents

For Appellant : Mr.Pallav Mishra, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**22.01.2019**

1. Heard on I.A.No.1 for condonation of delay in filing the appeal.
2. On due consideration, I.A.No.1 is allowed. Delay in filing the appeal is hereby condoned.
3. Also heard on admission.
4. This is defendant's second appeal. The plaintiff filed a suit for eviction on the ground enumerated under Section 12 (1) (f) of the Chhattisgarh Accommodation Control Act, 1961 stating inter-alia that the suit accommodation is required bona fide for non-residential purpose for his son as he has no other alternative suitable

accommodation in the township of Raipur. The trial Court decreed the suit finding relationship of landlord and tenant, which has been affirmed by the First Appellate Court. Against which, this second appeal under Section 100 of the CPC has been filed by the appellant/defendant.

5. Learned counsel for the appellant/defendant would submit that concurrent finding recorded by two Courts below holding that the suit accommodation is required bona fide for the plaintiff's son is perverse and contrary to the record.
6. I have heard learned counsel for the appellant, perused the impugned judgment and decree impugned and records of the Courts below with utmost circumspection.
7. Concurrent finding recorded by two Courts below that the suit accommodation is required bona fide for the plaintiff's son and he has no other alternative suitable accommodation in his possession in the township of Raipur is the 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. Even I do not find any substantial question of law for determination of this second appeal.
8. Accordingly, the second appeal is dismissed in *limine*. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge