

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 14 of 2005**

1. Dhanmat, aged about 60 years, W/o. Sukhram, R/o. Madanpur, Tahsil and Thana Gariyaband, District Raipur (C.G.)
2. Dharmin, aged about 45 years, W/o. Dayaram Kewat, R/o. Jadkhada, Thana & Tahsil Gariyaband, Distt. Raipur (C.G.)

----Appellants/Defendant No. 1 & 2**Versus**

1. Sonsir (since deceased) thorough LRs:-
 - 1(A) Toman, aged about 11 years, son of Sukhit Ram, Minor, through – mother Bhuri, aged about 35 years, widow of Sukhit Ram, R/o Hathbai, P.S. and Tah. - Gariyaband, Distt. - Raipur (C.G.)
 - 1(B) Bhuri Widow of Sukhit Ram, aged about 35 years, R/o Hathbai, P.S. and Tah. - Gariyabandh, Distt. Raipur (C.G.)
2. The State of Chhattisgarh Through : The Collector, Raipur

----Respondents/plaintiffs.

For Appellants	:	Mr. Raghvendra Pradhan, Advocate.
For Respondent No. 2	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/01/2019**

(1) This is defendants' No. 1 & 2 Second Appeal filed under Section 100 of CPC, by which the first appellate Court vide its judgment & decree dated 1.11.2004 has affirmed the judgment & decree of the trial Court granting decree in favour of respondent No. 1/plaintiff holding that plaintiff is entitled for 1/3rd share in the suit land and also granted injunction against the defendants.

(2) Mr. Raghvendra Pradhan, learned counsel appearing for the appellants/defendants No. 1 & 2 would submit that the concurrent findings recorded by

both the courts below holding that plaintiff has married with Bahur Kewat is perverse finding and contrary to the record as plaintiff has failed to prove her marriage in churi form with Bahur Kewat 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 perused the records of both the courts below including judgment and decree impugned with utmost circumspection.

(4) Concurrent findings recorded by both the courts below that since the plaintiff has married with Bahur Kewat in Churi form, therefore, she is entitled for the property of her husband to the extent of 1/3rd share in his property as marriage in churi form is prevalent in the Kewat caste and it has been proved by the plaintiff by adducing evidence of clinching nature on record, are finding of fact based on material available on record and I do not find it either perverse or contrary to record and no question of law much less substantial question of law is involved in this appeal.

(5) Accordingly, the second appeal, being devoid of merit, is liable to be and is hereby dismissed in *limine*. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

