

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.17 of 2005**

1. Kunti Bai Wd/o. Khamu Gond, Age About 50 Yrs,
2. Tijau Gond S/o Khamu Gond, Age About 27 Yrs.
3. Minor Bhikham S/o Khamu Gond, Age About 12 Yrs., Through Guardian & Mother Kunti Bai
4. Bahura Bai Wd/o. Hitcharam

All R/o Vill. Devri, Teh. Gariaband Distt. Raipur (CG)

---- Appellants

Versus

1. Tulsi Bai D/o Dhiran Singh Gond, Age About 45 Yrs., R/o Vill. Devri, Teh. Gariaband Distt. Raipur (CG)
2. State of Chhattisgarh Through, Collector, Raipur

---- Respondents

For Appellants	:	Mr.Raja Sharma, Advocate
For Respondent No.2	:	Mr.Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15.01.2019

1. The plaintiffs' suit was dismissed by the trial Court, which has been upheld by the First Appellate Court, against which, this second appeal has been preferred.
2. Learned counsel for the appellants/plaintiffs would submit that both the Courts below are concurrently unjustified in dismissing the suit and not granting the decree in favour of the plaintiffs.
3. I have heard learned counsel for the appellants/plaintiffs, perused the impugned judgment and decree and records of the Courts below.
4. The suit property originally belonged to Sukalu and Bisantin Bai and

they died issueless. Plaintiffs No.2-Tijau and plaintiff No.3-Bhikham being sons of Khamu filed a suit that Khamu (their father) was adopted son of Sukalu and Bisantin Bai and after death of Sukalu and Bisantin Bai their father inherited the property and after death of their father Khamu they have inherited the property and women members are only entitled for right of maintenance. The trial Court dismissed the suit holding that plaintiffs No.2 and 3 have failed to establish that their father Khamu was adopted son of Sukalu and Bisantin Bai and it was not seriously challenged by the plaintiffs before the First Appellate Court and the First Appellate Court affirmed the finding recorded by the trial Court. In absence of failure of the plaintiffs to establish that their father Khamu was adopted son of Sukalu and Bisantin Bai as property belonged to them, both the Courts below are justified in not granting the decree in favour of the plaintiffs, which is neither perverse nor contrary to record. No substantial question of law is involved for determination of this second appeal.

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

Sd/-

(Sanjay K.Agrawal)
Judge

B/-