

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.279 of 2009**

- Smt. Ramkal, Wd/o Late Veer Singh, aged about 70 years, Caste Gond, R/o. Village Dohda (Ahirpara), PS and Tah. Baikunthpur, Distt. Korea (CG)

---- Appellant/Defendant No.2.**Versus**

1. Mangal Singh, S/o. Mundev Singh, aged about 60 years, Caste-Gond R/o. Village Dohda (Ahirpara), PS and Tah. Baikunthpur, Distt. Korea (CG) **(Plaintiff)**
2. Manohar singh, S/o. Veer Singh, aged about 35 years, Caste Gond, R/o. Village Dohada (Ahirpara), PS and Tahsil Baikunthpur, Distt. Korea (CG)**(Defendant No.1.)**
3. State of Chhattisgarh, through the Collector of Korea, Baikunthpur (CG)

---Respondents

For Appellant	:Shri Sunil Tripathi, Advocate
For Respondents	:None

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01.7.2020.**

1. Proceedings of this matter have been taken up for hearing on admission through Video Conferencing.
2. Heard on admission and formulation of substantial question of law in this second appeal preferred by the appellant/defendant No.2 against the impugned judgment and decree passed by the first appellant Court affirming the the judgment and decree by which the trial

Court decreed the suit in favour of the plaintiff.

3. Learned counsel for the appellant/defendant No.2 submits that both the courts below held that appellant Ramkal was not the legally wedded wife of Nandlal and recorded a finding which is perverse to record thereby the appeal involves substantial question of law for determination and thereby the appeal be admitted for hearing.

4. I have heard learned counsel for the appellant and perused the records of the Courts below.

5. The plaintiff filed suit for declaration of title and partition against one Manohar Singh and one Ramkal, widow of Veer Singh in which it was pleaded by defendant No.2-Ramkal was the kept of Nandlal after the death of her husband Veer Singh. Therefore, she is not entitled for 1/3rd share in the property of Nandlal. The trial Court decreed the suit holding that defendant No.2 is the kept of Nandlal, therefore, she is not entitled any share in the property of Nandlal. Both the courts below concurrently held that defendant No.2 is the kept of Nandlal, she has never entered into marriage with Nandlal in any form, therefore, she is not entitled for the property of Nandlal.

6. The finding recorded by both the Courts below that Ramkal/appellant is not the legally wedded wife of Nandlal and she is kept of Nandlal, is a finding of fact based on evidence available on record which is neither perverse nor contrary to the record and the

appeal does not involve any substantial question of law in this appeal for admission. The second appeal deserves to be and is accordingly dismissed in limine without notice to the other side. No cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE

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