

HIGH COURT OF CHHATTISGARH AT BILASPUR**Second Appeal No. 177 of 2011**

Mehatrin Bai W/o Tijau, Caste Satnami, Aged about 60 years, R/o Village Dharsiwan, Distt. Raipur, Chhattisgarh.

(wrongly mentioned as D/o Tijau in the impugned judgment and decree).

---Appellant/Plaintiff

Versus

1. Tijau S/o Samodhi, Aged about 65 years, Caste Satnami.
2. Tejnath S/o Premlal, Caste Satnami, Aged about 26 years.
3. Gurunarayan S/o Premlal, Caste Satnami, Aged about 24 years.

All are R/o Village Dharsiwan, Police Station Dharsiwan, Distt. Raipur, Chhattisgarh.

4. State of Chhattisgarh, Through Collector, Distt. Raipur, Chhattisgarh.

--- Respondents/Defendants

For Appellant :- Mr. Pushpendra Kumar Patel, Advocate
 For State :- Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/02/2021

1. Heard on admission and formulation of substantial question of law in this second

appeal preferred by the appellant/plaintiff under Section 100 of CPC against the impugned judgment and decree passed by the first appellate Court affirming the judgment and decree by which trial Court dismissed the suit, finding no merit.

2. Mr. Pushpendra Kumar Patel, learned counsel for the appellant/plaintiff, would submit that both the Courts below are absolutely unjustified in dismissing the suit of the plaintiff by recording a finding which is perverse and contrary to the record, as such, the appeal be admitted by formulating substantial question of law.

3. The suit land was held by defendant No. 1 and plaintiff is the wife of defendant No. 1. Plaintiff instituted a suit on 23/07/2008 stating inter alia that the suit land was given to her by defendant No. 1 in lieu of maintenance and therefore, the registered sale deed dated 11/01/2008 (Ex. P/1) by which defendant No. 1 has alienated the suit land in favour of defendants No. 2 and 3 be declared as null and void, which the trial Court did not accept and after appreciation of oral and documentary

evidence on record, dismissed the suit holding that suit land has been transferred by defendant No. 1 in favour of defendants No. 2 and 3 by a legal and valid instrument and the sale deed (Ex. P/1) is absolutely in accordance with law, which has also been affirmed by the first appellate Court.

4. Both the Courts below have recorded a concurrent finding that defendant No. 1 has transferred the suit land in favour of defendants No. 2 and 3 by a legal and valid instrument and the alleged transfer made by defendant No. 1 in favour of defendants No. 2 and 3 has been proved in accordance with law and in that view of the matter, the two Courts below have rightly dismissed the suit of the plaintiff. I do not find any merit much less substantial question of law involved in the matter.

5. The second appeal, being devoid of merits, deserves to be and is accordingly dismissed *in limine* without notice to the other side. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge