

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No.225 of 2011**

- Sadhuram, S/o Chetan Ram (adopted son), aged about 43 (35) years, R/o Village Harratikra, Police Station Jainagar, Tahsil Surajpur, Distt. Surguja (C.G.)

----- Appellant**Versus**

- 1.Smt. Dhaneshwari, W/o Shri Devnath, aged about 58 (50) years, Caste Rajwar, R/o Village Harratikra, Police Station Jainagar, Tahsil Surajpur, District Surguja (C.G.)

- 2.A Narendra, S/o Devnath, aged about 53 (45) years

B Birendra, aged about 48 (40) years,
S/o Shri Devnath

C Purshottam, aged about 43 (55) years,
S/o Shri Devnath

D Murli, aged about 41 (33) years, S/o
Shri Devnath

E Timpu, aged about 38 (30) years, S/o
Shri Devnath

All are R/o Village Harratikra, Police
Station Jainagar, Tahsil Surajpur, District
Surguja (C.G.)

- 3.State of Chhattisgarh, through the District Collector, Sarguja, Ambikapur, District Sarguja (C.G.)

----- Respondents

For Appellant	Mr. Rakesh Thakur, Advocate
For Respondent-State	Mr. Ankur Kashyap, PL

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

23/02/2021

1. Heard on admission and formulation of substantial question of law in the second appeal preferred by the appellant/plaintiff. By the impugned judgment and decree dated 07.04.2011, the First Appellate Court has dismissed the appeal preferred by the appellant/plaintiff passed by the learned Additional District Judge, Surajpur, District Sarguja (C.G.) in Civil Appeal No.24A/2010 affirming the judgment and decree of the Trial Court dated 24.07.2010 passed by the learned Civil Judge Class-I, Surajpur, District Sarguja (C.G.) in Civil Suit No.74A/2009 dismissing the suit filed by the appellant/plaintiff.
2. Mr. Thakur, learned counsel for the

appellant/plaintiff, would submit that both the Courts below have grossly erred in concurrently holding that the plaintiff is not the adopted son of Chetan Ram, to whom the suit property belongs, which is a perverse finding. As such, the appeal deserves to be admitted for hearing by formulating substantial question of law.

3. I have heard learned counsel for the appellant, considered his submissions made herein-above and also went through the records with utmost circumspection.
4. The suit property was originally held by Bhanjan. The plaintiff claims to be the adopted son of Chetan Ram, who is the son of Bhanjan. The plaintiff filed a suit for declaration of title and permanent injunction claiming that he is the adopted son of Chetan Ram and the sale deed executed by the defendant No.2 Devnath (since dead) in favour of defendant No.1 is null and void, which was dismissed by the

Trial Court and that judgment of the Trial Court has also been upheld by the First Appellate Court, against which this second appeal has been filed.

5. The finding recorded by the two Courts below that the plaintiff is not the adopted son of Chetan Ram is a finding of fact based on the material available on record. As such there is no illegality or perversity in the judgment and decree passed by the two Courts below.
6. I do not find any substantial question of law involved in this second appeal so filed by the appellant/plaintiff. It deserves to be and is hereby dismissed in *limine* without notice to the other side. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge