

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

SA No.114 of 2012

- Kunwar Singh, aged about 60 years, S/o Late Ganesh Verma, R/o Village Kohrod, Tahsil Balodabazar, District Raipur (C.G.)

----- Appellant

Versus

1. Ramcharan, aged about 40 years
2. Goverdhan, aged about 35 years

Both S/o Mahetter Verma, R/o Koliha, Tahsil Baloda Bazar, District Raipur (C.G.)

3. Mst. Firantin, Wd/o Bhagela Verma, aged about 75 years, R/o Village Paijani, Tahsil Baloda Bazar, District Raipur (C.G.)
4. State of Chhattisgarh, through Collector, Raipur (C.G.)

----- Respondents

For Appellant	Mr. A. D. Kuldeep, Adv.
For Respondent Nos.1 & 2	Mr. B. M. Rao, Adv.

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

24/06/2021

1. Heard on admission and formulation of substantial question of law in this second appeal preferred by the appellant/plaintiff.

2. By the impugned judgment and decree, the First Appellate Court has dismissed the appeal preferred by the appellant/plaintiff vide judgment and decree dated 27.01.2012 passed by the learned 2nd Additional District Judge, Baloda Bazar, District Raipur (C.G.) in Civil Appeal No.121-A/2011 affirming the judgment and decree of the Trial Court dated 25.02.2009 passed by the learned Civil Judge Class-I, Baloda Bazar, District Raipur (C.G.) in Civil Suit No.7A/2008, whereby the learned Trial Court dismissed the suit preferred by the appellant/plaintiff.
3. Mr. Kuldeep, learned counsel for the appellant/plaintiff, would submit that the concurrent finding recorded by both the Courts below holding that the plaintiff is not the son of Raminbai is a perverse finding. As such, the appeal involves substantial question of law for determination and deserves to be admitted.
4. I have heard learned counsel for the appellant, considered his submissions made herein-above and also went through the

records with utmost circumspection.

5. The suit property was originally held by Dukalhin. She has two daughters Ramin and Firantin. The plaintiff claims to be the son of Ramhin, whereas the defendant Nos.1 & 2 are the sons of Firantin Bai, the defendant No.3. The plaintiff filed a suit for declaration of title, permanent injunction and possession.
6. Both the Courts below after appreciation of oral and documentary evidence available on record clearly recorded a finding that the plaintiff has failed to prove that he is the son of Raminbai and therefore he could not succeed to the property of Raminbai. The two Courts below have clearly reached to the conclusion that the plaintiff is not the son of Raminbai, which is a pure and simple finding of fact based on the material available on record, which is neither perverse nor contrary to law.
7. I do not find any substantial question of law for determination in this second appeal.

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

Nirala