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HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 182 of 2010**

Mangli Bai, aged 64 years, D/o. Shiv Lal Caste Bhaina, R/o. Aamadand, Tahsil Pendra Road, Distt. Bilaspur (CG)

---- Appellant**Versus**

1. Tilak Singh S/o. Sahan Singh, aged about 47 years, R/o. Village Aamadand, Tahsil Pendra Road, Distt. Bilaspur (CG)
2. Sirodhan Singh, S/o. Sahan Singh, aged about 45 years, R/o. Village Aamadand, Tahsil Pendra Road, Distt. Bilaspur (CG)
3. Kumar Singh S/o. Sahan Singh, aged about 42 years, R/o. Village Aamadand, Tahsil Pendra Road, Distt. Bilaspur (CG)
4. Suman Singh, S/o. Sahan Singh, aged about 39 years, R/o. Village Aamadand, Tahsil Pendra Road, Distt. Bilaspur (CG)
5. Budhwaria Wd/o. Sahan Singh Kanwar, aged about 69 years, R/o. Village Aamadand, Tahsil Pendra road, Distt. Bilaspur (CG)
6. State of Chhattisgarh Through Collector, Distt. Bilaspur (CG)

---Respondents

For Appellant	: Shri Dharendra Mishra, Advocate
For Respondents 1 to 5	: Shri Rakesh Pandey, Advocate
For Respondent No.6/State	: Shri Ravi Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07.01.2021.**

1. Heard on admission and formulation of substantial question of law in this second appeal preferred by the appellant/plaintiff against the impugned judgment and decree passed by the first appellant Court affirming the judgment and decree passed by the trial Court by which the trial Court dismissed the suit of the plaintiff.
2. Learned counsel for the appellant/plaintiff submits that both the courts

below have concurrently erred in holding that suit land bearing Khasra No.702, area 1.18 acre, was sold by Shivilal, father of the plaintiff, and Hirmatia Bai, by registered sale deed dated 13.12.1966 (Ex-D/1) in favour of Sahan Singh, father of the defendants, by recording a finding which is perverse to the record, therefore, the appeal involves substantial question of law for determination and the appeal may be admitted for hearing by formulating substantial question of law.

3. I have perused the records of the Courts below.

4. The suit property situated at Village Aamadand, PH No.32, Tahsil Pendra Road, bearing Khasra No.702 ,area 1.18 acres, was originally held by Shivilal, father of the plaintiff, and Hirmatia Bai and they sold the same to Sahan Singh, father of the defendants, through registered sale deed dated 13.12.1966 (Ex-D/1). Thereafter on 30.6.1999 the plaintiff filed suit for declaration of title and permanent injunction alleging that Khasra No.702, area 1.18 acres, was not sold by her father in favour of Sahan Singh, father of the defendants, therefore, decree may be granted in her favour. The fact remains that by sale deed, Khasra No.650, area 1.34 acre, and Khasra No.702 area 1.18 acres, both, have been alienated in favour of defendants' father and only suit for declaration of title and permanent injunction was filed and no suit was filed for cancellation of sale deed or for declaration of sale deed dated 13.12.1966 as null and void. As such both the Courts below have rightly held that the plaintiff is not entitled for any relief. The finding recorded by both the Courts below in this regard 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 .

5. 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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