

**(2018) 09 CHH CK 0241**

**Chhattisgarh High Court**

**Case No:** Second Appeal No. 265 Of 2004

Bhagwati And Ors

APPELLANT

Vs

Dumari And Ors

RESPONDENT

**Date of Decision:** Sept. 13, 2018

**Acts Referred:**

- Code Of Civil Procedure 1908 - Section 100

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** Subhash Yadav, Avinash Singh

**Final Decision:** Dismissed

### **Judgement**

Sanjay K. Agrawal, J

1. The plaintiff's suit for declaration of title and permanent injunction and confirmation of possession was decreed by the trial Court and was upheld by

the First Appellate Court against which this second appeal under Section 100 of the Civil Procedure Code has been preferred.

2. Mr. Subhash Yadav, learned counsel appearing for the appellants / defendants submits that the concurrent finding recorded by the two Courts

below holding that the suit property was purchased by the plaintiff Dumari from the grand father of defendants is perverse and contrary to record and

it involves substantial questions of law for determination.

3. I have heard learned counsel for the appellants / defendants.

4. The trial Court has clearly recorded a finding that the plaintiff Dumari has purchased the suit property by registered sale deed dated 18.07.1970

from Shri Mukund (grand father of defendants) by paying cash consideration of Rs.2,000/- and negativated the defence of forged sale deed put forth

by the defendants and it has been affirmed by the First Appellate Court. The concurrent findings recorded by the two Courts below is a finding of fact

based on the material available on record that cannot be said to be perverse and contrary to law. As such, I do not find any substantial questions of

law for determination in this second appeal.

5. Accordingly, the second appeal deserves to be and is hereby dismissed.