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**(2018) 08 CHH CK 0369**

**Chhattisgarh High Court**

**Case No:** Second Appeal No. 245 Of 2002

Prem Chand

APPELLANT

Vs

Lalaram And Ors

RESPONDENT

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Date of Decision: Aug. 30, 2018

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

**Bench:** Single Bench

**Advocate:** Bhaskar Payashi, Avinash Singh

**Final Decision:** Dismissed

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### **Judgement**

Sanjay K. Agrawal, J

1. The appellant / plaintiff's suit for specific performance of contract based on oral agreement was dismissed by the trial Court finding that the oral agreement of sale has not been proved and the plaintiff has obtained possession pursuant to the said agreement and it has also not found to be established that the disputed property is a joint family property, which has been affirmed by the First Appellate Court in appeal. Questioning that order of the First Appellate Court, this instant second appeal has been preferred.
2. Learned counsel for the appellant submits that the concurrent finding recorded by the two Courts below holding that the oral agreement of sale pursuant thereof is not established, is a perverse finding and contrary to law and it involves substantial question of law for determination.
3. I have heard learned counsel for the appellant.
4. The two Courts below, after appreciation of evidence on record have concurrently recorded a finding that the oral agreement of sale dated

09.02.1999 for sale consideration of Rs. 15,000/- and the delivery of possession is not established.

5. The said finding of the two Courts below is a finding of fact based on evidence available on record. I do not find any perversity or illegality much

less for formulating substantial question of law for determination of this second appeal.

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