

SA.396.2002

06.01.2015.

Appellants by Shri AV Bhardwaj Advocate.

Respondent/state by Shri B.Raj Pandey Govt.Advocate.

In this case, the sale deed executed on 7th July, 1967 by the original plaintiff in favour of the respondent was challenged by her in her life time but she could not succeed in the trial court. Thereafter, she also filed a first appeal. The appellant expired and now, she is represented at present by the appellant namely Kuber Singh Kushwah.

The only plea taken by learned counsel for the appellant is that the sale deed was a fraud and was not a valid document, however, all these issues have been gone into by the courts below. There are concurrent finding on facts against the appellant both by lower court as well as by the first appellate court. Even the suit was filed in the year 1992 by the person who has alleged to have executed the sale deed. In the second appeal, only when there are substantial questions of law involved, the court can interfere, otherwise, there is no reason to interfere in the concurrent finding of facts of two courts below.

Hence, this appeal is dismissed.

(M.C.Garg)
Judge

Rks/-