

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Second Appeal No. 447 of 2007

Rajesh Kumar **Versus** Kunji Lal (Dead) Through Lrs. & others.

26/09/2019	Mr. Neeraj Choubey, counsel for the appellant/plaintiff. Mr. Sajeev Agrawal, Panel Lawyer for the State / respondent No. 3. Heard on admission and formulation of substantial question of law for determination. The second appeal is admitted and shall be heard on the following substantial questions of law :- “1. Whether the first appellate Court was justified in reversing the judgment and decree of the trial decreeing the suit in favour of the plaintiff holding that defendant No. 1 – Kunji Lal is the adopted son of Gujaratiya Bai vide adoption deed dated 19.04.1982 ignoring the mandate in Section 10 of the Hindu Adoptions & Maintenance Act, 1956 as admittedly the age of Kunjilal was more than 15 years on the date of said adoption and defendant No. 1 has not proved any custom permitting the adoption after the age of 15 years ? 2. Whether the first appellate court was justified in holding that defendant No. 1 has proved the execution and attestation of Will (Ex.D-12) dated 2.4.1988 in his favour by testator Gujaratiya Bai as she succeeded the property after her husband Ayodhya Prasad by recording a finding, which is perverse and contrary to the record ?

D/-	Issue notice to respondents on merits of the appeal along with a copy of substantial question of law on payment of process fee within seven days making it returnable within four weeks. List this case after service of notice. Certified copy, as per rules. Sd/- (Sanjay K. Agrawal) Judge