

IN THE BOARD OF REVENUE FOR RAJASTHAN, AJMER

Appeal Decree No. 2580/2004/TA/Jodhpur :

1. Lichhmanram S/o late Shri Purkharam
 2. Thanaram S/o late Shri Gokalram
- Both are by caste Jat, residents of Village Khejrikalan,
Tehsil Luni, District Jodhpur.

... Appellants.

Versus

Meera W/o late Shri Purkharam (Deceased), represented by :-

1. Gogi D/o Smt. Meera, by caste Jat, R/o Village Nandwan,
Tehsil Luni, District Jodhpur.

... Respondent.

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D.B.

Shri V. Srinivas, Chairman
Shri Indra Singh Rao, Member

Present :

Shri Amrit Pal Singh, counsel for the appellants.
Shri Yogendra Singh, counsel for respondent.

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Dated : 07.6.2018

J U D G M E N T

This second appeal has been preferred under section 224 of the Rajasthan Tenancy Act, 1955 (hereinafter to be referred as "the Act") against the judgment and decree passed by learned Revenue Appellate Authority, Jodhpur dated 30.3.2000 whereby the learned R.A.A. upheld the order of learned Sub Divisional Officer, Jodhpur dated 19.11.1997.

2. Heard the arguments of learned counsel for both the parties and perused the record.

3. The learned counsel for the appellants argued that the memo of second appeal be treated as his arguments.

4. The learned counsel for the respondents argued that an order has been passed in favour of respondent by the learned S.D.O. in the first appeal, which is just and proper. Under section 8 of the Hindu Succession Act, final decree has been passed by the learned S.D.O.

5. We have gone through the arguments advanced by learned counsel for the parties and perused the record of the learned S.D.O. court as well as the learned appellate court. The learned R.A.A. vide his judgment and decree dated 30.3.2000 has upheld the decision of the learned S.D.O. court dated 19.11.1997. The main issue in this case is whether plaintiff-respondent Meera was the wife of deceased tenant of disputed land Shri Purkharam and she has the share in the said land. It has been established before the trial court that Meera was the Narayat wife of Purkharam. The defendant-appellants could not disprove this fact by any evidence, so both the courts below reached to the conclusion that Meera being the wife of the deceased tenant had the share in the disputed land and accordingly decree has been granted. Both the learned lower courts analysing evidences produced before them came to the conclusion that defendant-appellants themselves have admitted the fact that Purkharam had three sons and one of them was from Meera. In this context, we do not find anything to interfere in the concurrent findings of both the learned lower courts. The Hon'ble Supreme Court has held in AIR 1959 SC page 57 that concurrent findings of the lower court should not be disturbed until and unless they are against the record. In the present case, the appellant has not produced anything before us on the basis of which the findings of the lower courts are proved to be against the record.

6. In view of above, the second appeal is dismissed. The judgment and decree passed by learned Revenue Appellate Authority, Jodhpur dated 30.3.2000 and learned Sub Divisional Officer, Jodhpur dated 19.11.1997 are hereby upheld.

Pronounced.

(INDRA SINGH RAO)
Member

(V. SRINIVAS)
Chairman

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