



2026:CGHC:871-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA No. 33 of 2020

- Venkatraman Shrivasa S/o Shri Shriram, Aged About 55 Years, Caste Nai, R/o Village Sivni, Tahsil Champa, District Janjgir-Champa, (Chhattisgarh), Presently R/o Mudapar, S.E.C.L., Korba, District Korba (Chhattisgarh).

... Appellant

versus

1. Harishankar Shrivasa S/o Shri Shriram, Aged About 48 Years, R/o Village Sivni, Tahsil Champa, District Janjgir-Champa (Chhattisgarh), Presently R/o House No.491, 492, Ward No.26, Nearby Masjid, Mudapara, Korba, Tahsil And District Korba (Chhattisgarh).
2. Geeta Shrivasa W/o Raju Kumar Shrivasa, Aged About 49 Years, D/o Shriram, R/o Village Sivni, Tahsil Champa, District Janjgir-Champa, (Chhattisgarh), Presently Residing At T.F. 4-B, Ujagar Chowk, Budhwari Korba, Tahsil And District Korba (Chhattisgarh).
3. Rohini Shrivasa W/o Ramakant Shrivasa, Aged About 42 Years, D/o Shriram, R/o Village Sivni, Tahsil Champa, District Janjgir-Champa, (Chhattisgarh), Presently Residing At Bundela, Santoshi Chowk, Tahsil Pamgarh, District Janjgir-Champa (Chhattisgarh).
4. Smt. Shital Agrawal W/o Anand Agrawal, Aged About 34 Years, R/o House No.209, Sonarpara, Bamhnidih, Tahsil Champa, District Janjgir-Champa (Chhattisgarh).

5. G.S. Uike, Tahsildar Champa, District Janjgir-Champa, (Chhattisgarh).
6. State Of Chhattisgarh, Through Collector, Janjgir, District Janjgir-Champa (Chhattisgarh).

... Respondents

For Appellant	: Mr. Utkarsh Patel, Advocate appears on behalf of Mr. Pushpendra Kumar Patel, Advocate.
For Respondents No.1 to 3	: Mr. Paras Mani Shriwas, Advocate
For Respondents No.4 and 5	: None, though served.
For Respondent No. 6/State	: Mr. Sachidanand Yadav, P.L.

**DB: Hon'ble Shri Justice Sanjay S. Agrawal &
Hon'ble Shri Justice Amitendra Kishore Prasad**

Judgment On Board

Per Sanjay S. Agrawal, J

07/01/2026

- 1) The plaintiff has preferred this appeal under Section 96 of the Code of Civil Procedure, 1908, questioning the legality and propriety of the judgment and decree dated 17/12/2019 passed by the Second Additional District Judge, Janjgir, District Janjgir-Champa (C.G.) in Civil Suit No.14-A/2017, whereby, the claim of the plaintiff was dismissed.
- 2) From perusal of the record, it appears that the land bearing Khasra No.174/17, 278/2, 337/2, 443/1, 1152/1 and 1363/1 admeasuring 0.004, 0.170, 0.247, 0.162, 0.012 and 0.109 hectare, respectively total admeasuring 0.704 hectare situated at village Sivni, Tehsil Champa, District Janjgir-Champa was held by the predecessor-in-interest of the parties, namely, Shriram and, subsequently an

application seeking partition of the said lands was made by the defendant no.1-Harishankar before the Tehsildar, Champa, where the said proceeding was registered as Revenue Case No.37A-27/2014-15 and after considering the said proceeding, a partition was made vide order dated 22/07/2015 and, it appears further that being aggrieved with the said order, an appeal, being Appeal Case No.22A-27/2016-17, was preferred by the plaintiff- Venkatraman before the Sub-Divisional Officer, Champa, but the same was found to be dismissed by the said appellate authority vide its order dated 23/03/2017 (Ex.D-4) and, by efflux of time, it has attained its finality and after obtaining the share as such, the suit land, bearing Khasra No.443/3 admeasuring 0.30 acre recorded in the name of defendants no.1 to 3 was sold by them to the defendant no.4-Shital Agrawal by executing a registered deed of sale, dated 22/08/2016 (Ex.D-1).

- 3) After the execution of the aforesaid sale, the plaintiff has filed the suit seeking declaration to the effect that the same be declared as null and void, alleging inter-alia, that since the alleged partition was made on 22/07/2015 without providing him proper opportunity of hearing and, therefore, the land in question sold by them to the defendant no.4-Shital Agrawal cannot be held to be sustainable in the eye of law.
- 4) It, however appears, as observed here-in-above, that the partition was effected amongst the plaintiff and his brother and sisters, i.e. the defendants no.1 to 3, in the said partition proceeding and the order

dated 22/07/2015 passed therein by the Tahsildar, Champa was affirmed by the Sub-Divisional Officer, Champa vide order dated 23/03/2017 and since the same has attained its finality, therefore, it cannot be said that the suit land was not fallen in share of the said defendants. The defendants no.1 to 3 were, thus, the owner of the suit land and are entitled to alienate the same, who have, thus sold the land in question, i.e. Khasra No.443/3 admeasuring 0.30 acres to the defendant no.4- Smt Shital Agrawal under the registered deed of sale, dated 22/08/2016 (Ex.D-1). In view thereof, its validity cannot be held to be null and void, as alleged by the plaintiff and, the trial court, after taking note of those materials has, therefore, not committed any illegality in dismissing the plaintiff's claim, so as to call for any interference in this appeal.

- 5) The appeal, being devoid of merit is, accordingly, dismissed.

No order as to cost(s).

A decree be drawn accordingly.

Sd/-
(Sanjay S. Agrawal)
Judge

Sd/-
(Amitendra Kishore Prasad)
Judge