



2026:CGHC:9966-DB

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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****FA No. 43 of 2024**

1 - Smt. Shantilata Mahapatro W/o Late Shri Narendra Kumar Mahapatro, Aged About 68 Years Presently R/o Railway Banglapara Vikas Nagar, Ward No. 39, P.S. Kotwali, Tahsil And Dist. Raigarh (C.G.)

... Appellant**versus**

1 - Smt. Nilima Sahu W/o Prashant Vishwal Aged About 34 Years R/o Village Kudopali, Tahsil Brijrajnagar, District Jharsugada (Odisha),

2 - Shubshri Mahapatra, W/o Satish Nande, Aged About 40 Years R/o Tah. And District Sambalpur (Odisha), Present Adress Railway Banglapara Vikas Nagar, War No. 39, Tah. And District Raigarh Chhattisgarh.

3 - Ranjan Kumar Mahapatro, S/o Late Shri Narendra Kumar Mahapatro, Aged About 48 Years R/o Railway Banglapara Vikas Nagar, P.S. Kotwali, Tahsil And, District : Raigarh, Chhattisgarh

4 - Smt. Gayatri Saha W/o Subhash Saha Aged About 46 Years R/o Hemu Nagar, Bilaspur Tah. And Dist - Bilaspur C.G.

5 - Smt. Jayshri Sharma W/o Subodh Sharma, Aged About 43 Years R/o Village Atabira, Tah. And District Bargadh (Odisha).

- 6 - Smt. Bhagyashri Raman, W/o Nitesh Raman, Aged About 36 Years Aazad Chowk Koridimal Nagar, Tah. And, District : Raigarh, Chhattisgarh
- 7 - Branch Manager C.G. Rajya Gramin Bank, Branch Itwari Bazar Raigarh, Tah. And, District : Raigarh, Chhattisgarh
- 8 - State Of Chhattisgarh Through Collector, Raigarh Chhattisgarh (Wrongly Mentioned As Through District President Raigarh Chhattisgarh.

... Respondents

For Appellant	: Shri Ravindra Sharma, Advocate appears along with Ms. Soumya Vaishnav, Advocate.
For Respondent No.1	: Shri Rajeev Shrivastava, learned senior Advocate appears along with Shri Malay Shrivastava and Ms. Kajal Chandra, Advocate.
For Respondents No.2 to 6	: None, though served.
For Respondent No.7	: Shri N. Naha Roy, Advocate.
For Respondent No.8	: Shri Kanwaljeet Singh Saini, Dy. Govt. Advocate.

DB: Hon’ble Shri Justice Sanjay S. Agrawal & Hon’ble Shri Justice Amitendra Kishore Prasad
Judgment on Board

Per **Sanjay S. Agrawal, J**

26/02/2026

1. This appeal has been preferred by the plaintiff under Section 96 of the Code of Civil Procedure, 1908 questioning the legality and propriety of the judgment and decree dated 21.02.2024 passed by the learned District Judge, Raigarh in Civil Suit No.A/14/2021, whereby the plaintiff’s claim for declaration of title and permanent injunction has

been dismissed. The parties shall be referred hereinafter as per their description before the concerned trial Court.

2. Briefly stated the facts of the case are that the land bearing Khasra No.287/2/क admeasuring 0.015 hectare situated at Village Darogamuda, Tehsil and District Raigarh was originally held by one Gopiram, who alienate the same to plaintiff's husband, namely, Narendra Kumar Mahapatro by executing a registered deed of sale dated 22.03.2003 (Ex.P.-26) for a consideration of Rs.45,000/- and after its purchase, it was renumbered as Khasra No.287/23 admeasuring 0.015 hectare. According to the plaintiff, the alleged suit land was gifted nominally by her husband to one of her daughters, namely, Shubhshree, defendant No.2, as a loan was to be obtained for construction of two story building over it, and the possession of it was, therefore, not delivered to her based upon the alleged gift deed. It is pleaded further that the alleged gift deed was made without her knowledge and she came to know about this fact when defendant No.1 – Neelima Sahu applied for the mutation based upon the registered deed of sale dated 28.06.2021, purported to have been executed by her said daughter in her favour, which compelled her for the institution of the suit claiming declaration of title and, also for the declaration to the effect that the alleged registered deed of gift dated 02.12.2015 and, consequent upon the execution of the alleged registered deed of sale dated 28.06.2021, be declared as null and void and also for issuance of injunction restraining them from interference from her peaceful possession over the alleged suit land.

3. While contesting the aforesaid claim, it was pleaded by the defendants that the alleged registered deed of gift was duly executed and registered by Narendra Kumar Mahapatro in favour of his daughter, namely, Shubhshree, while delivering its possession to her, who immediately based upon it has obtained the revenue papers recorded in her name and sold it to defendant No.1 Neelima Sahu by executing a registered deed of sale, dated 28.06.2021. It is contested further on the ground that since said Narendra Kumar has never questioned the execution of the alleged deed of gift, therefore, claim as made by the plaintiff deserves to be dismissed.
4. The trial Court, after considering the evidence led by the parties, arrived at a conclusion that the registered deed of gift dated 02.12.2015 (Ex.P-25) was duly executed by said Narendra Kumar Mahapatro as he was the exclusive owner of the same and was competent to execute the same as such and, held further that defendant No.2-Shubhshree, who obtained the alleged land under the alleged gift deed was, therefore, competent to execute the registered deed of sale, dated 28.06.2021 in favour of defendant No.1-Neelima Sahu. In consequence, the plaintiff's claim has been dismissed and, being aggrieved, the instant appeal has been preferred.
5. Learned counsel appearing for the appellant/plaintiff submits that the finding recorded by the trial Court upholding the registered deed of gift dated 02.12.2015 and consequent upon the execution of the registered deed of sale, dated 28.06.2021 by defendant No.2 – Shubhshree in favour of defendant No.1 – Neelima Sahu, is apparently contrary to the materials available on record. It is contended further that though the

alleged gift deed was executed as such by said Narendra Kumar Mahapatro, but the possession of it was never delivered to her (Shubhshree), therefore, the trial Court ought to have held that no gift deed as such was executed, and in fact, the same was executed nominally only for obtaining the loan for the construction of two story building over the suit land.

6. On the other hand, learned counsel appearing for the respondents have submitted that Narendra Kumar Mahapatro, who executed the gift deed was the exclusive owner of the suit land and was competent to execute the gift deed and, since he never questioned the same during his lifetime, therefore, it cannot be said that it was not given to defendant No.2, as alleged by the plaintiff. It is contended further that after obtaining the registered deed of sale on 28.06.2021, defendant No.1 has acquired valid title over the land in question, and therefore, there is no infirmity in the impugned judgment as passed by the trial Court.
7. We have heard learned counsel appearing for the parties and perused the entire record carefully.
8. Admittedly, the plaintiff's husband, namely, Narendra Kumar Mahapatro was the exclusive owner of the land in question described in plaint Schedule 'A' as he purchased the same from one Gopiram under the registered deed of sale dated 22.03.2003 (Ex.P.-26) for a consideration of Rs.45,000/- and thereafter, he executed a registered deed of gift dated 02.12.2015 (Ex.P.-25) in favour of one of his daughters, namely, Shubhshree, defendant No.2 in presence of two witnesses, namely, Dilip Behra and Surendra Kumar. A bare perusal of the recitals made

therein would show that the possession of it was delivered to the donee, i.e., defendant No.2 and it appears further that based upon the alleged registered deed of gift, name of her was recorded on 17.12.2015 as revealed from *Namantaran Panji*, marked as Ex.P.-27. Pertinently to be noted here further that the donor of the alleged gift deed, namely, Narendra Kumar Mahapatro, who died on 29.09.2016, had never questioned its execution, therefore, under such circumstances, its authenticity cannot be disputed by his wife, the plaintiff herein and her daughter Shubhshree, the donee, was, thus, competent to alienate the same to defendant No.1, namely, Neelima Sahu by executing a registered deed of sale, dated 28.06.2021 (Ex.P.-24) .

9. In view of the aforesaid background, we do not find any substance in this appeal. The appeal being devoid of merit is accordingly dismissed. No order as to costs.

A decree be drawn accordingly.

Sd/-

(Sanjay S. Agrawal)
JUDGE

Sd/-

(Amitendra Kishore Prasad)
JUDGE