



2026:CGHC:10379

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CR No. 64 of 2026**

- Smt. Kumari Minj W/o Cristofar Minj Aged About 62 Years R/o- Anand Niketan, Avanti Vihar Shankar Nagar, Raipur Civil And Revenue District Raipur (C.G.)

**... Applicant/Petitioner
(Defendant No.3)**

versus

1. Subhashini Kapila Ekka W/o Neelam Kumar Khalkho Aged About 45 Years R/o Hig 104, Vijetha Complex, New Rajendra Nagar, Raipur, Chhattisgarh
2. Celestila W/o Tarsius Ekka Aged About 75 Years R/o HIG 104, Vijetha Complex New Raj Nagar, Raipur Chhattisgarh Through Power Of Attorney Holder, Subhani Kapila Ekka Age About 45 Years, Husband, Neelam Kumar, Khalko Residence Of HIG 104, Vijetha Complex, New Raja Nagar, Chhattisgarh
3. Rajdeep Ekka S/o Tarsius Ekka Aged About 40 Years R/o HIG 104, Vijetha Complex New Raj Nagar, Raipur Chhattisgarh Through Power Of Attorney Holder, Subhani Kapila Ekka Age About 45 Years, Husband, Neelam Kumar, Khalko Residence Of HIG 104, Vijetha Complex, New Raja Nagar, Chhattisgarh

4. Jayanti Ekka W/o Prabodh Tirkey Aged About 39 Years R/o HIG 104, Vijetha Complex New Raj Nagar, Raipur Chhattisgarh Through Power Of Attorney Holder, Subhani Kapila Ekka Age About 45 Years, Husband, Neelam Kumar, Khalko Residence Of HIG 104, Vijetha Complex, New Raja Nagar, Chhattisgarh
5. Sangeeta Singh W/o Shri Ashutosh Sing Aged About 47 Years R/o House Number 88, Shraddha And Bhawna Nagar, Shankar Nagar, Raipur, District Raipur, Chhattisgarh
6. Ashutosh Singh S/o Late Mahendra Singh Thakur Aged About 52 Years R/o House Number 88, Shraddha And Bhawna Nagar, Shankar Nagar, Raipur, District Raipur, Chhattisgarh

--- Non-Applicants
(Plaintiffs)

For Applicant/Petitioner : Mr. Shishir Shrivastava, Advocate.

Hon'ble Shri Justice Amitendra Kishore Prasad

(Order On Board)

27.02.2026

1. This Civil Revision has been filed against the order dated 24.01.2026 (Annexure A-1) passed in Civil Suit No. 201-A/2025 titled as “ *Smt. Subhagini Kapila Ekka and Ors. vs. Sangeeta Singh and others*”, whereby the application of the Defendant No.3/Applicant herein under Order VII Rule 11 (a) and (d) of the Code of Civil Procedure, 1908 was dismissed by VIth Civil Judge, Junior Division, Raipur (C.G.).
2. The brief facts of the case are that the revision petitioner, by way of a registered sale deed dated 13.08.1993, purchased land bearing Khasra No. 732 and 761/3, which, after division, was renumbered as Khasra No. 732/6 and included Khasra No. 761/13, admeasuring 1504

sq. ft., situated at Village Shankar Nagar, P.H. No. 63, Rajsva Nirikshak Mandal No. 8, Tehsil and District Raipur. The said land was purchased from Shatrughan and others. From the same vendors, late Mr. Tarsiuss Ekka, husband of respondent No. 01 and father of respondents No. 02 to 04, purchased land bearing Khasra No. 732 and 761/3, admeasuring 1819 sq. ft., situated at Village Shankar Nagar, P.H. No. 110/63, by a registered sale deed dated 20.08.1993. Thereafter, the revision petitioner got her land demarcated by the revenue authorities, and a demarcation report dated 12.05.2023 was prepared under Section 129 of the Chhattisgarh Land Revenue Code, 1959. Subsequently, the revision petitioner sold the said land by a registered sale deed dated 24.04.2024 in favour of respondents No. 05 and 06. Respondents No. 01 to 04 challenged the aforesaid sale transaction by instituting a civil suit before the Court of the VIth Civil Judge, Junior Division, Raipur (C.G.), seeking declaration of title, recovery of possession, and permanent injunction. In paragraph No. 8 of the plaint, it was alleged that the revision petitioner had manipulated the boundaries of her land in the sale deed dated 24.04.2024 in order to sell land situated at a better location, and in doing so, had in fact sold the land belonging to respondents No. 01 to 04 to respondents No. 05 and 06. Upon being summoned, the revision petitioner filed an application under Order VII Rule 11(a) and (d) of the Code of Civil Procedure, contending that the averments in the plaint do not disclose any cause of action, as no dispute of title has been raised with respect to land bearing Khasra No. 732/6, including Khasra No. 761/13, admeasuring 1504 sq. ft., which was the land owned and sold by the revision petitioner under the registered sale deed dated 24.04.2024. It was further contended that

the allegation in paragraph No. 8 of the plaint, even if taken at face value, discloses only a boundary dispute, which falls within the jurisdiction of the Revenue Court, and that the jurisdiction of the Civil Court is expressly barred under Section 257(g) of the Chhattisgarh Land Revenue Code, 1959. It was also submitted that the revision petitioner had sold the land only after obtaining a demarcation report from the competent revenue authorities dated 12.05.2023. If respondents No. 01 to 04 had any grievance regarding the boundaries mentioned in the sale deed dated 24.04.2024, they ought to have challenged the demarcation report before the appropriate revenue authority under the relevant provisions of the Chhattisgarh Land Revenue Code, 1959. However, respondents No. 01 to 04 neither challenged the demarcation report nor sought demarcation of their own land, and instead directly instituted the civil suit alleging manipulation of boundaries. The learned Trial Court, by the impugned order dated 24.01.2026, dismissed the said application holding that the issue of boundary dispute raised in paragraph No. 8 of the plaint involves a mixed question of law and fact, which can only be adjudicated upon during trial.

3. Learned counsel for the Defendant No.3/applicant herein has pleaded that the present civil suit is expressly barred under Section 257(g) of the Chhattisgarh Land Revenue Code, 1959, and therefore, the plaint is liable to be rejected under Order VII Rule 11(d) of the Code of Civil Procedure. It has been further pleaded by learned counsel that the entire grievance of the plaintiffs revolves around the alleged manipulation of boundaries in the sale deed dated 24.04.2024

executed by the revision petitioner in favour of Defendants No. 5 and 6. The plaintiffs have not specifically challenged the title of Defendant No. 3 over Khasra No. 732/6, including Khasra No. 761/13, admeasuring 1504 sq. ft., which was purchased by her through a registered sale deed dated 13.08.1993. Nor have they sought cancellation of the earlier sale deed in her favour. Their main allegation is that, while executing the subsequent sale deed dated 24.04.2024, the boundaries were manipulated and, as a result, land belonging to the plaintiffs has been conveyed. Thus, the dispute raised by the plaintiffs is a boundary dispute arising out of alleged incorrect demarcation and description of land. It is also pleaded that such disputes squarely fall within the exclusive jurisdiction of the Revenue Authorities under the Chhattisgarh Land Revenue Code, 1959. Section 257(g) of the Code clearly bars the jurisdiction of the Civil Court in respect of matters which the Revenue Officer is empowered to determine under the Code. Determination and correction of boundaries, demarcation of land, and disputes relating thereto are matters specifically entrusted to the Revenue Authorities under the scheme of the Code, including proceedings under Section 129 relating to demarcation. Learned counsel also submits that in the present case, Defendant No. 3 had already got the land demarcated by the competent Revenue Authority, and a demarcation report dated 12.05.2023 was prepared under Section 129 of the Code. If the plaintiffs were aggrieved by such demarcation or by the boundaries recorded therein, the proper remedy available to them was to challenge the demarcation before the appropriate Revenue Authority in accordance with the provisions of the Code. However, instead of availing the statutory remedy, the plaintiffs

have chosen to bypass the Revenue forum and directly approach the Civil Court by couching the dispute in the form of a suit for declaration, possession, and injunction. Therefore, in view of the clear bar under Section 257(g) of the Chhattisgarh Land Revenue Code, 1959, and considering that the dispute is essentially one of boundary and demarcation, the suit is not maintainable before the Civil Court. As such, the plaint is liable to be rejected under Order VII Rule 11(d) of CPC as being barred by law.

4. I have heard learned counsel for the defendant No.3/applicant and perused the material available with the petition.
5. Perusal of the suit and the grounds raised goes to show that at the stage of deciding an application under Order VII Rule 11 CPC, the Court is required to confine its consideration to the averments made in the plaint and the documents filed therewith. A meaningful reading of the plaint, particularly the reliefs sought, indicates that the plaintiffs have prayed for declaration of title, recovery of possession, and permanent injunction on the allegation that their land has been wrongly conveyed by manipulation of boundaries. The nature of the reliefs claimed and the allegations made cannot, at this preliminary stage, be conclusively characterized as falling purely within the domain of boundary demarcation so as to attract an absolute bar under Section 257(g) of the Chhattisgarh Land Revenue Code, 1959. Prima facie, therefore, the bar under Section 257(g) does not appear to be clearly and unequivocally attracted on the face of the plaint so as to warrant rejection thereof under Order VII Rule 11(d) CPC. Nevertheless, the objection raised by the applicant/ Defendant No. 3 regarding the

jurisdiction of the Civil Court and the applicability of the statutory bar involves consideration of the true nature of the dispute and the evidence to be adduced by the parties.

6. It has been held by the Hon'ble Supreme Court in the matter of **Dahiben vs. Arvindbhai Kalyanji Bhanusali (Gajra) dead through Lrs. And Ors.**¹ has clearly and emphatically held that only plaint averments has to be seen while deciding an application under Order 7 Rule 11 of CPC.
7. The Hon'ble Supreme court in the recent judgment of **Vinod Infra Developers Ltd. V. Mahaveer Lunia**² has held in para 8 as under:-

“8.The position of law is that rejection of a plaint under Order VII Rule 11 CPC is permissible only when the plaint, on its face and without considering the defence, fails to disclose a cause of action, is barred by any law, is undervalued, or is insufficiently stamped. At this preliminary stage, the court is required to confine its examination strictly to the averments made in the plaint and not venture into the merits or veracity of the claims. If any triable issues arise from the pleadings, the suit cannot be summarily rejected. Keeping in mind this settled principle of law, we proceed to examine whether the High Court was justified in rejecting the plaint under Order VII Rule 11 CPC.”

1 (2020) 7 SCC 366

2 2025 SCC OnLine SC 1208

8. In view of the aforesaid, while the plaint cannot be rejected at this stage, the contention raised by the applicant/Defendant No. 3 regarding the bar under Section 257(g) of the Chhattisgarh Land Revenue Code, 1959 is kept open. The learned Trial Court is directed to frame an appropriate issue on the question of jurisdiction and the applicability of the said statutory bar and to decide the same in accordance with law after affording due opportunity of hearing to the parties during trial.
9. With the aforesaid observations, the revision petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)
JUDGE

AMIT PATEL