



2026:CGHC:22600



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CR No. 93 of 2026**

1 - Smt. Prabha Verma W/o Late Dinesh Verma Aged About 32 Years R/o Village Alda, Near Fancy Stores, Post Sarfonga, Tahsil Tilda, District Raipur Chhattisgarh.

2 - Smt. Yashoda Verma W/o Bhupendra Verma Aged About 42 Years R/o Gandhi Chowk, Tilda Nevra, Tahsil Tilda, District- Raipur Chhattisgarh.Defendant No. 1 To 3

3 - Mukesh Verma W/o Late Alakh Ram Verma Aged About 38 Years R/o Village Alda, Near Fancy Stores, Post Sarfonga, Tahsil Tild, District Raipur Chhattisgarh.

... Applicants/Defendants 1 to 3.**versus**

1 - Anand Verma S/o Late Netram Verma Aged About 60 Years R/o Village Devri, Gudi Chowk Dharsiwa, Tahsil Dharsiwa, District Raipur Chhattisgarh.**Plaintiff.**

2 - State Of Chhattisgarh Through Collector Raipur, District Raipur Chhattisgarh.

... Respondents

For Applicants	:	Mr. Bharat Lal Sahu, Advocate
For Respondent No.1	:	Mr. Pankaj Agrawal, Advocate
For Respondent No.2/State	:	Mr. DR Minj, Dy. Advocate General

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****13.05.2026**

1. This Civil Revision under Section 115 of the Civil Procedure Code has been preferred by the applicants/defendants 1 to 3 challenging Order dated



23.03.2026 (Annexure-A/1) passed by Fifth Civil Judge Junior Division, Raipur Distt. Raipur (CG) in Civil Suit No.380A/2025, whereby application filed by the applicants/defendants 1 to 3 under Order VII Rule 11 CPC has been rejected.

2. Facts of the case, in nutshell are that, respondent No.1/plaintiff filed aforesaid civil suit for declaration of title and permanent injunction against the applicants/ defendants 1 to 3, in respect of suit land bearing Khasra No.769/1 and 768/1 area 50 decimal, situated at village Devri, Tahsil Raipur, Distt. Raipur, on the ground that aforesaid suit land had fallen to the share of the plaintiff in a family partition effected orally in May-June 2003 by his brother, late Alakh Ram Verma (father-in-law of applicant No.1 and father of applicants 2 & 3). Subsequently, Alakh Ram Verma again executed partition deed/*Sahmati Patra* in favour of respondent No.1/plaintiff on 10.12.2013 in respect of the same land. The defendants 1 to 3 filed an application under Order VII Rule 11 of the CPC on the ground that the suit filed in the year 2025, was barred by limitation and lacked cause of action, because the plaintiff had not claimed any rights for about 22 years. The plaintiff filed reply to the above application contending that he had remained in continuous possession and cultivation of the land and that the cause of action was continuing in nature. The Court held that limitation is a mixed question of law and fact requiring evidence and therefore, the plaint could not be rejected at the preliminary stage under Order VII Rule 11 CPC, resulting in dismissal of the defendants' application. Aggrieved by this, the applicants/defendants 1 to 3 preferred instant revision.

3. Learned counsel for the applicants/defendants 1 to 3 submits that as per the averments made in the plaint, the cause of action arose in May-June 2003. But the civil suit was filed by respondent No.1/plaintiff on 15.10.2025



for declaration of his title and permanent injunction claiming himself to be in possession of the suit land. It is contended that, in terms of Article 65 of the Limitation Act, 1963, the suit ought to have been filed within 12 years from the date on which the cause of action arose. Since the suit has been filed after about 22 years from the alleged oral partition of 2003, and even beyond 12 years from 10.12.2013, the same is clearly barred by limitation. Despite this, the learned Trial Court erroneously dismissed the application filed by the applicants/Defendants No.1 to 3 under Order VII Rule 11 CPC.

4. In reply, learned counsel for Respondent No.1/plaintiff submits that it is the specific case of the plaintiff that the suit land had fallen to his share in a family partition effected in the year 2003 by his brother, late Alakh Ram Verma. It has further been pleaded that Alakh Ram Verma subsequently executed a partition deed/*Sahmati Patra* on 10.12.2013, wherein, in the presence of witnesses, he admitted the earlier partition in favour of the plaintiff. Therefore, the cause of action did not arise only in May–June 2003, but also arose on 10.12.2013 in favour of Respondent No.1/plaintiff. He further submits that though in the family partition, the suit land was given to respondent No.1/ plaintiff, but it remained in the name of Alakh Ram Verma in revenue record. Therefore, after death of Alakh Ram Verma in the year 2016, the applicants/defendants 1 to 3, taking undue advantage of the same, got their names mutated in the revenue records in respect of the suit land. Thereafter they are trying to sell the suit land. Thus, according to the plaintiff, the cause of action not only arose in the year 2003 and again on 10.12.2013 when the partition deed/*Batwaranama/Sahmati Patra* was executed, but also subsequently arose when the defendants 1 to 3 got their names mutated in the revenue records after the death of Alakh Ram Verma, who died in the year 2016 and thereafter they are trying to sell the suit land to



other persons. It is, therefore, contended that the civil suit filed by the plaintiff is well within limitation and the present revision petition, being devoid of merit, deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Perusal of the copy of the plaint shows that in one hand, respondent No.1/plaintiff has stated that cause of action arose in May – June 2003, and subsequently in the year 2013, when *batwaranama/sahmati patra* was allegedly executed by late Alakh Ram Verma in favour of the plaintiff. The contention of the plaintiff is that the cause of action further arose in the year 2016, when after the death of Alakh Ram Verma, the applicants/defendants 1 to 3 got the suit land mutated in their names and thereafter they are trying to sell the same.

7. A bare reading of the contents of the plaint shows that the pleadings of the plaintiff are vague in respect of the date on which the cause of action allegedly arose in his favour for filing the civil suit. On the one hand, he is claiming his right over the suit land on the basis of family partition/partition deed allegedly executed by late Alakh Ram Verma. On the other hand, the plaintiff has also alleged that after the death of Alakh Ram Verma, the applicants/defendants 1 to 3 illegally got the suit land mutated in their names.

8. Having considered the conflicting pleadings with respect to the accrual of the cause of action in favour of the plaintiff, this Court is not inclined to interfere with the impugned order passed by the trial Court, which has rightly held that the issue relating to the cause of action is a mixed question of law and facts and therefore, it can only be adjudicated upon after recording the evidence of the parties.



9. On due consideration, this Court is not inclined to entertain the impugned order passed by the learned trial Court. However, it is directed that, at the time of framing of issues, a specific issue with regard to limitation shall also be framed by the trial Court, which shall be decided after recording the evidence of the parties. Accordingly, the impugned order passed by the trial Court is affirmed and, consequently, the civil revision stands dismissed.

10. In view of above order, pending interim application, if any, stands disposed of. No order as to costs.

Sd/-
(Naresh Kumar Chandravanshi)
Judge