



2026:CGHC:17211

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 307 of 2017

Yogeswar Raj Singh S/o Vishwa Raj Singh, Aged About 50 Years
R/o Raj Mahal, Police Station And Tahsil Kawardha, District
Kabirdham, ChhattisgarhDefendant No.15

--- **Appellant**

versus

1 - Narayan Prasad Shukla (Died And Deleted) As Per Honble
Court Order Dated 07-04-2025 And 22-01-2026.

2 - Vikas Kumar S/o Narayan Prasad, Aged About 21 Years S/o
Late Kapil Merawi, R/o Police Line Bilaspur, Chhattisgarh

3 - Kumari Radhika D/o Narayan Prasad, Aged About 25 Years
D/o Late Kapil Merawi, R/o Police Line Bilaspur,
ChhattisgarhPlaintiffs

4 - Bharat S/o Peela Singh Gond, Aged About 44 Years R/o
Village Mathpara, Ward No.8, Kawardha, Chhattisgarh, District :
Kawardha (Kabirdham), Chhattisgarh

5 - Shatrughan S/o Peela Singh Gond, Aged About 39 Years R/o
Village Mathpara, Ward No.8, Kawardha, Chhattisgarh

6 - Bhaktin D/o Late Peela Singh Gond, Aged About 64 Years R/o
Village Mathpara, Ward No.8, Kawardha, Chhattisgarh

7 - Shanti Bai D/o Peela Singh Gond, Aged About 59 Years R/o
Village Dhorli, Tahsil Kawardha, District Kabirdham, Chhattisgarh,
District : Kawardha (Kabirdham), Chhattisgarh

8 - Arjun Singh S/o Bhagat Gond, Aged About 26 Years R/o
Village Mathpara, District Kabirdham, Chhattisgarh, District :
Kawardha (Kabirdham), Chhattisgarh

9 - Anusuiya Bai D/o Bhagat Gond, Aged About 34 Years R/o
Khajhiti, Tahsil Kawardha, District Kabirdham, Chhattisgarh

10 - Purnima D/o Bhagat Gond, Aged About 29 Years R/o Village
Mathpara Ward No.08, Kawardha, Chhattisgarh

11 - Baishakhin Bai Wd/o Bhagat Singh, Aged About 59 Years
R/o Village Mathpara, Ward No.8, Kawardha, Chhattisgarh

12 - Kaniya Singh S/o Jhantal Singh Gond, Aged About 59 Years
R/o Village Khairjiti, Tahsil Kawardha, District Kabirdham,
Chhattisgarh

13 - Smt. Shashiprabha Devi (Died And Deleted) As Per Honble
Court Order Dated 07-04-2025 And 22-01-2026.

14 - Smt. Manjari Devi W/o Rudra Dev Singh, Aged About 49
Years D/o Late Vishwa Raj Singh, R/o Tikamgarh, Madhya
Pradesh

15 - Smt. Twarika Devi @ Vasudhara W/o Sanjay Singh, Aged
About 44 Years D/o Late Vishwa Raj Singh, R/o Bisahu Palace
Hotel, Chandpol Gate, Jaipur Rajasthan

16 - Ashwani Kumar Dubey S/o Dina Nath Dubey, Aged About 44
Years R/o Main Road, Malviya Nagar, Durg, District Durg,
Chhattisgarh

17 - Naresh Chandravanshi (Died Through Lrs.) As Per Honble
Court Order Dated 07-04-2025 And 22-01-2026.

17.1 - Padma Chandravanshi W/o Late Naresh Chandravanshi
R/o Village Mathpara, Kawardha, Tahsil- Kawardha, District
Kabirdham C.G.

17.2 - Dr. Swati Chandravanshi D/o Late Naresh Chandravanshi
R/o Village Mathpara, Kawardha, Tahsil- Kawardha, District
Kabirdham C.G.

17.3 - Piyush Chandravanshi S/o Late Naresh Chandravanshi R/o
Village Mathpara, Kawardha, Tahsil- Kawardha, District
Kabirdham C.G.

17.4 - Prafulla Chandravanshi S/o Late Naresh Chandravanshi
R/o Village Mathpara, Kawardha, Tahsil- Kawardha, District
Kabirdham C.G.

18 - Dheeraj Prasad S/o B.M.Brahman, R/o Raj Mahal Chowk,
Kawardha, Tahsil Kawardha, District Kabirdham, Chhattisgarh

19 - Smt. Kausilya Bai Wd/o Kanwal Singh, Aged About 63 Years
R/o Village Police Line, Bilaspur, District Bilaspur, Chhattisgarh

20 - State Of Chhattisgarh, Through District Collector, Kabirdham,
District Kabirdham, ChhattisgarhDefendants

--- Respondents

SA No. 418 of 2017

1 - Bharat S/o Peela Singh Gond, Aged About 44 Years R/o
Village Mathpara, Ward No.8, Tahsil Kawardha, District

Kabirdham, ChhattisgarhDefendant, Chhattisgarh
 ---Appellant

Versus

1 - Narayan Prasad (Died And Deleted) S/o Kapila Maravi, Aged About 56 Years R/o Police Line, Bilaspur, District Bilaspur, Chhattisgarh, Chhattisgarh

2 - Vikas Kumar S/o Narayan Prasad, Aged About 21 Years R/o Police Line, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

3 - Ku. Radhika D/o Narayan Prasad, Aged About 25 Years R/o Police Line, Bilaspur, District Bilaspur, ChhattisgarhPlaintiffs, District : Bilaspur, Chhattisgarh

4 - Yogeshwar Rajsingh S/o Late Shivraj Singh, Aged About 39 Years R/o Rajmahal Kawardha, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

5 - Shatruhan S/o Peela Singh Gond, Aged About 39 Years R/o Village Mathpara, Ward No.8, Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

6 - Bhaktin S/o Late Peela Singh Gond, Aged About 64 Years R/o Village Mathpara, Ward No.8, Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

7 - Shanti Bai D/o Peela Singh Gond, Aged About 59 Years R/o Village Dhorli, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

8 - Arjun Singh S/o Bhagat Gond, Aged About 26 Years R/o Village Dhorli, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

9 - Anusuiya Bai D/o Bhagat Gond, Aged About 34 Years R/o Village Khairjhiti, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

10 - Purnima D/o Bhagat Gond, Aged About 29 Years R/o Village Dhorli, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

11 - Baishakhin Bai Wd/o Bhagat Singh, Aged About 59 Years R/o Village Dhorli, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

12 - Kanhaiya Singh S/o Jhangal Singh, Aged About 59 Years R/o Village Khairjhiti, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

13 - Smt. Shashiprabha Devi Wd/o Late Shri Vishwaraj Singh, Aged About 67 Years R/o Village Motimahal Kawardha, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

14 - Smt. Twarika Devi @ Vasundhara W/o Sanjay Singh, Aged About 44 Years D/o Vishwaraj Singh, R/o Bisahu Palace Hotel, Chandpol Gate, Jaipur Rajasthan, District : Jaipur, Rajasthan

15 - Ashwani Kumar Dubey S/o Deenanath Dubey, Aged About 44 Years R/o Main Road, Malviya Nagar, Durg, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

16 - Naresh Chandrawanshi S/o Muniram Chandrawanshi, Aged About 49 Years R/o Village Mathpara Kawardha, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

17 - Dheeraj Prasad S/o B.M. Bramhan, R/o Rajmahal Chowk, Kawardha, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

18 - Smt. Kaushilya Bai Wd/o Kanwal Singh, Aged About 63 Years R/o Police Line, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

19 - Smt. Manjari Devi W/o Rudra Dev Singh, Aged About 49 Years D/o Late Shivraj Singh, R/o Tikamgarh M.P., District : Tikamgarh, Madhya Pradesh

20 - The State Of Chhattisgarh, Through The Collector, Kabirdham, District Kabirdham, ChhattisgarhDefendants, District : Kawardha (Kabirdham), Chhattisgarh

--- Respondents

SA No. 396 of 2017

1 - Naresh Chandravanshi (Died) Through Legal Heirs- As Per Honble Court Order Dated 26/09/2023

1.1 - A(1) Padma Chandravanshi Widow Of Late Naresh Chandravanshi Aged About 54 Years R/o Mathpara, Kawardha, Tahsil Kawardha, District Kabirdham (C.G.)

1.2 - A(2) Dr. Swati Chandravanshi D/o Late Naresh Chandravanshi Aged About 30 Years R/o Mathpara, Kawardha, Tahsil Kawardha, District Kabirdham (C.G.)

1.3 - A(3) Piyush Chandravanshi S/o Late Naresh Chandravanshi Aged About 25 Years R/o Mathpara, Kawardha, Tahsil Kawardha, District Kabirdham (C.G.)

1.4 - A(4) Prafulla Chandravanshi S/o Late Naresh Chandravanshi Aged About 23 Years R/o Mathpara, Kawardha, Tahsil Kawardha, District Kabirdham (C.G.)

---Appellants

Versus

1 - (A) (Died And Deleted) Narayan Prasad Shukla As Per Honble Court Order Dated 07-04-2025,

1.1 - Ku. Radhika D/o Narayan Prasad, Aged About 25 Years R/o Police Line, Bilaspur, ChhattisgarhPlaintiff No. 1a To C

1.2 - Vikash Kumar S/o Late Kapil Meravi, Aged About 21 Years R/o Police Line, Bilaspur, Chhattisgarh

2 - Bharat S/o Pilasingh Gond, Aged About 44 Years R/o Village Mathpara Ward No.08, Kawardha, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

3 - Shatruhan S/o Pilasingh Gond, Aged About 39 Years R/o Village Mathpara Ward No.08, Kawardha, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

4 - Bhaktin D/o Late Pilasingh Gond, Aged About 64 Years R/o Village Mathpara Ward No.08, Kawardha, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

5 - Shanti Bai D/o Pilasingh Gond, Aged About 59 Years R/o Village Dhorli, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

6 - Arjun Singh S/o Bhagat Gond, Aged About 26 Years R/o Village Mathpara, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

7 - Anusuiya Bai D/o Bhagat Gond, Aged About 34 Years R/o Khairjhiti, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

8 - Purnima D/o Bhagat Gond, Aged About 29 Years R/o Village Mathpara Ward No.08, Kawardha, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

9 - Baisakhin Bai Wd/o Bhagat Singh, Aged About 59 Years R/o Village Mathpara Ward No.08, Kawardha, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

10 - Kanhaiya Singh S/o Jhantal Singh Gond, Aged About 59 Years R/o Village Khairjhiti, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

11 - (Died And Deleted) Smt. Shashi Prabha Devi As Per Honble Court Order Dated 07-04-2025

12 - Smt. Manjari Devi W/o Rudradev Singh, Aged About 49

Years D/o Late Vishwaraj Singh, R/o Tikamgarh M.P., District : Tikamgarh, Madhya Pradesh

13 - Smt. Twarika Devi @ Vasundhara W/o Sanjay Singh, Aged About 44 Years D/o Late Vishwaraj Singh, R/o Bisahu Palace Hotel, Chandpol Gate Rajasthan, Rajasthan

14 - Ashwani Kumar Dubey S/o Deenanath Dubey, Aged About 44 Years R/o Main Road Malviya Nagar, Durg, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

15 - Yogeshwarraj Singh D/o Late Shri Vishwaraj Singh, Aged About 35 Years R/o Rajmahal Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

16 - Dhiraj Prasad S/o B.M.Brahman, R/o Rajmahal Chowk, Kawardha, Tahsil Kawardha, District Kabirdham, Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

17 - Smt. Kaushilya Bai W/o Kanwal Singh, Aged About 63 Years R/o Village Police Line, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

18 - State Of Chhattisgarh, Through Collector, Kabirdham, District Kabirdham, ChhattisgarhDefendants, District : Kawardha (Kabirdham), Chhattisgarh

--- Respondents

For Appellant in SA No.307/2017 : Mr. Malay Shrivastava.
Advocate.

For Appellant in SA No.396/2017 : Mr. P.K. Patel, Advocate

For Appellant in SA No.418/2017 : Mr. Amit Kumar Sahu,
Advocate

For Respondent No.1 : Mr.Abhipreet Bajpai, Advocate.

For Respondent/State : Mr. Anand Gupta, Dy. G.A.

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

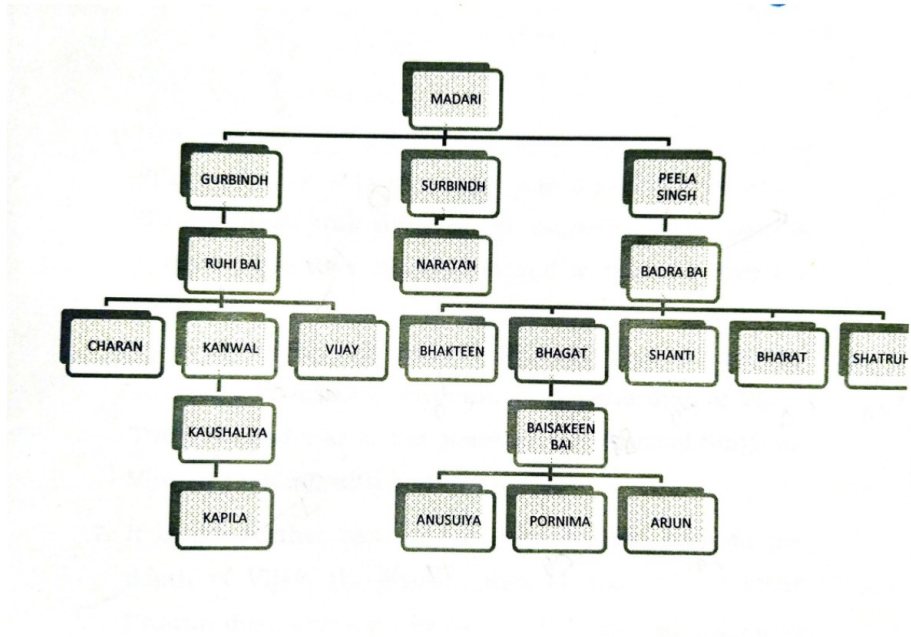
15.04.2026

1. Since all these appeals assail the common impugned judgment and decree and involve interconnected issues, they are heard and being disposed of by this common judgment.

2. The seller of the suit property namely; Bharat (Defendant No.1) preferred SA No.418/2017, whereas SA No. 307/2017 & SA No. 396/2017 preferred by the purchasers namely; Yogeshwar Raj Singh (Defendant No.15) and Naresh Chandravanshi (defendnat No.12), respectively.
3. By these present appeals under Section 100 of the CPC, the appellants/defendants challenging the common impugned judgment and decree dated 30/03/2017 passed by the learned Additional District Judge (FTC), Dist: Kabirdham, C.G. in Civil Appeal No.08A/2013 (Yogeshwar Raj Singh Vs Narayan Prasad Shukla & Ors), Civil Appeal No.06A/2017 (Bharat Vs. Narayan Prasad & Ors) and Civil Appeal No.07/2017 (Naresh Chandravanshi Vs. Narayan Prasad Shukla & Ors) arising out of the judgment and decree dated 14/12/2009 passed by the learned First Civil Judge Class-I, Kabirdham (Kawardha), C.G. in Civil Suit No.36A/09 (Smt. Kapil Meravi Vs. Bharat Gond & Ors). For the sake of convenience, the parties would be referred as per their status before the learned trial Court.
4. (A) The original plaintiff Kapila preferred a suit for declaration of title and possession against the defendants for the land situated at village Saigona, P.H. No. 19, bearing Khasra No. 92/3 area 0.94 and Khasra No. 92/4 area 0.87. The plaintiff and defendants No.1 to 8 are the descendants

of Madari.

(B) For the sake of convenience, the genealogical tree of Madari is mentioned below :



(C) The plaintiff sought a declaration that the sale deeds executed in favour of the subsequent purchasers were not binding upon the plaintiff and the mutation order dated 15/11/1987 in favour of the Badra Bai who is the mother of the defendants No.1 to 4, grandmother of the defendant No.8 and great grandmother of defendants No.5 to 7, will not confer any title, the same is illegal. The plaintiff averred that after the death of Badra Bai, defendants No.1 to 8 had no title over the suit property. According to the plaintiff, mutation in revenue records in the name of the defendant- Yogeshwar Raj Singh in respect of 0.33 acres of land is

illegal. The plaintiff sought possession of land bearing Khasra No.92/03, 92/4 and 92/5 which is in possession of defendants.

(D) The plaintiff contended that during the lifetime of Madari, there was a partition and in the said partition, the suit land came in the name of Vijay, who is minor at the time of partition and is residing with his brother Kanwal who is the father of the plaintiff herein. Since Vijay is minor, his another brother Charan sold the suit property stating Surbindh as the guardian of Vijay. Despite the fact that the suit land was in possession of the father of the plaintiff as Vijay is residing with him.

(E) Further, case of the plaintiff is that prior to the death of Vijay, his parents and elder brother Charan died, therefore, being the successor of Vijay, the father of the plaintiff Kanwal Singh inherited the suit property and the same is in his possession. Since the mother of the plaintiff is residing at Bilaspur as she is working in FCI, her father is also residing at Bilaspur and handed over the suit property to his Uncle-Pila Singh and Aunt Badra Bai to look after the suit property. When the father of the plaintiff fell ill and was in need of money, asked his cousin brother-Bharat to sold the suit property. At that time, father of the plaintiff came to know that no land was recorded in his name and the said land is

recorded in the name of Badra Bai and after the death of Badra Bai, the land was recorded in the name of her LRs. In the meanwhile, the suit land was sold. Thus, the plaintiff preferred the suit.

5. (a) The defendants No.1, 2, 5 and 8 in their written statement, denied all the plaint averments. They submitted that apart from the other defendants, Defendants No.10 and 15 also belong to the Gond tribe. However, they are governed by their own ancient customs and customary laws, and not by Hindu law or the Hindu Succession Act. They follow and worship Budhadev. The defendants further submitted that Ruhi Bai died long ago, and thereafter Gurbindh died around the year 1957–58. Charan also died approximately 30 years ago due to tuberculosis and had no legal heirs. It was submitted that the disputed land was not previously divided into Khasra No. 92/1, but was a single Khasra No. 92 measuring 8.13 acres, owned by Madari. There was no partition of this land, and all of LRs of Madari were living jointly. The registered sale deed dated 17.07.1957 executed by Charan and others was merely a family arrangement, and Peela Singh was also present at that time. The claim that the sale deed was executed by appointing a guardian for the minor Vijay is false and fabricated. The defendants further claimed that Vijay did not

die in 1979 but in 1985, i.e., about 20 years ago. They assert that Kanwal did not inherit the disputed land. In fact, since his youth, Kanwal did not reside in the village, had mortgaged and later sold his house, and lived with his wife in Bilaspur. He never resided in Kawardha nor engaged in agricultural activities, although his last rites were performed there. According to the defendants, Vijay Singh was cared for and maintained by Peela Singh and his wife Badra Bai, and during his illness, they bore his medical expenses. Therefore, the land was transferred to them through an oral sale.

(b) The defendants stated that Kanwal Singh had taken money from Krishna Gupta and sold his residential house. It was initially mortgaged for three years, but as he failed to redeem it, he permanently shifted to Bilaspur. Peela Singh later redeemed the house after discussing it with Kanwal, who had said he would not return to Kawardha. Thereafter, Peela Singh paid ₹85 to Vijay and took possession of the land. The defendants claim that Peela Singh and Badra Bai were the actual owners from the beginning and having remained in possession for 26 years, have become the legal owners. They denied the plaintiff's allegation that they managed the land on behalf of Kanwal or shared crop produce, calling such claims false and baseless, as Kanwal

had already sold all his properties. They submitted that Kanwal was seriously ill in his final days and not in a sound mental condition to execute any will; hence, the alleged will is forged.

6. Defendants No.10A to 10C and 15 filed their written statement and submitted that Late Vishwaraj Singh belonged to the Gond tribe, which follows its own customs and not Hindu law. The disputed land was originally recorded in Badra Bai's name. She sold 94 decimals to Kanhaiya Gond, who later sold it to Vishwaraj Singh through a registered sale deed. Parts of the land were subsequently sold to Ashwani Dubey, then to Naresh, and further to Dheeraj Pandey, with all names properly recorded in revenue records. The remaining land was divided, with a major portion given to Vishwaraj Singh's son Yogeshwar Raj Singh, who remained in possession. Daughters did not claim rights as per Gond custom. No objections were raised earlier by Kanwal Singh, so he has no valid claim over the land. The original order recording Badra Bai's name was never challenged and as such, the same has attained finality. Therefore, the defendants are considered bona fide purchasers, and their rights are protected under law.
7. Defendant No.12 submitted in his written statement that he purchased 47 decimals of land of Khasra No. 92/3 from

Ashwani Dubey on 15.03.2004 and took lawful possession. The said Khasra No. 92/3 was later renumbered as 92/5 (47 decimals). Out of this, he further sold 13 decimals to Dheeraj Pandey on 18.05.2005, and his name was duly mutated in the revenue records. He further submitted that the plaintiff's claim is time-barred, as Badra Bai had been in possession since 1987; therefore, the suit deserves to be dismissed. He also stated that under Gond tribal customs, daughters do not inherit their father's property, and this practice has been followed since ancient times and has legal effect. He claims he purchased the 47 decimals land after proper verification, is in lawful possession after mutation of his name, and that the suit should be dismissed for being time-barred and for improper valuation.

8. The remaining defendants No. 3, 4, 6, 7, 9, 11, 13, 14, and 16 are ex parte, and no written statements have been filed on their behalf.
9. The learned Trial Court, after framing the issues and upon due consideration of the oral and documentary evidence adduced by both parties, as well as the material available on record, allowed the suit filed by the plaintiff. The Court observed that from the documents submitted by the plaintiff (Exhibit P-1), it is evident that land bearing Khasra No. 92/1, measuring 8.13 acres, was recorded in the name of Madari

(father of Gurbindh, Surbindh, and Peela Singh) in the 1954–55 records. After Gurbin's death, the names of his heirs, Charan, Kanwal, and Vijay, were recorded, and since Vijay was a minor, his elder brother Charan was appointed as guardian. As per Exhibits P-15 and D-1, land bearing Khasra Nos. 92/3 and 92/4 was transferred to Vijay Singh for ₹100 through a sale deed dated 17.07.1956, and mutation of 1.81 acres was recorded on 24.11.1957. At that time, Vijay was a minor, and his uncle Surbindh was appointed as his guardian. Thus, Vijay Singh was the owner of the disputed land. His brothers Charan and Kanwal were alive, but Charan died before Vijay, and Vijay was residing with Kanwal. The trial Court further observed that Vijay had already become an adult before his death, and his guardian had died earlier. The plaintiff stated that Kanwal was cultivating the land and later entrusted it to his uncle Peela Singh for supervision while he lived in Bilaspur. After Vijay's death, the land was mutated in favor of his aunt, Badra Bai (wife of Peela Singh), in 1987, mainly because Kanwal was not present locally. However, this mutation was found unreliable and not legally valid. Vijay was not a minor at the time of death, so transferring the property to a second-class heir (aunt) instead of a first-class heir (brother Kanwal) was improper. The plaintiff also proved a registered will executed by Kanwal through witnesses, which was accepted as valid.

Therefore, the plaintiff, as Kanwal's successor, has rightful ownership. The defendants failed to provide valid documents supporting their claim or adverse possession. Mere mutation entries do not establish ownership. The trial Court further observed that the sale deed executed in respect of the disputed land bearing Khasra No. 92/3, area 94 decimals, is not binding upon the plaintiff. Furthermore, since the name of Badra Bai was not legally mutated in the records for the remaining land bearing Khasra No. 92/4, area 87 decimals, she did not acquire valid ownership. Consequently, her legal heirs also do not obtain any title over the said land. In such circumstances, the plaintiff is entitled to recover possession of the said land measuring 94 decimals and 87 decimals, totaling 1.81 acres, from the defendants.

10. Against the said judgment and decree, the defendants No. 15, 1, and 12 filed three Civil Appeals separately before the learned Appellate Court who by the common impugned judgment and decree, dismissed all the Civil Appeals by maintaining the judgment and decree passed by the learned trial Court. Thus, these appeals by the said defendants

11. Learned counsel for the appellants/defendants submits that the learned Trial Court failed to properly appreciate and examine the documentary as well as oral evidence on

record. Learned counsel further submitted that the trial court failed to consider that the suit land originally belonged to a member of a Scheduled Tribe and, in absence of any lawful permission, such land could not have been validly transferred to a non-tribal like the plaintiff, making the claim legally unsustainable. It is further submitted that the appellants in SA No.307/2017 and SA No.396/2017 are bona fide purchaser, having relied in good faith upon the duly recorded revenue entries in the name of Badra Bai at the time of purchase, and therefore their title deserves protection.

12. I have heard learned counsel for the parties, perused the material available on record.

13. In the present case, the evidence on record, particularly Exhibit P-1, clearly establishes that the land bearing Khasra No. 92/1, admeasuring 8.13 acres, was originally recorded in the name of Madari in the revenue records of the year 1954–55. Upon the death of Gurbin, the names of his legal heirs, namely Charan, Kanwal, and Vijay, were duly entered in the revenue records, and since Vijay was a minor at that time, Charan was rightly appointed as his guardian. Further, from Exhibits P-15 and D-1, it stands proved that the suit land bearing Khasra Nos. 92/3 and 92/4, admeasuring 1.81 acres, was transferred in favor of Vijay Singh by a registered

sale deed dated 17.07.1956 for valid consideration, and mutation was accordingly effected on 24.11.1957. Though Vijay was a minor at the time of execution of the sale deed, he was duly represented by his guardian Surbin, thereby making the transaction legally valid and binding. Consequently, Vijay Singh became the lawful owner of the disputed land.

14. The record further reveals that Vijay Singh attained majority prior to his death, and his guardian had already expired. It has also been established that Vijay was residing with his brother Kanwal, who was in possession and cultivation of the suit land. the mutation carried out in the year 1987 in favor of Badra Bai, as the same was neither supported by any legal document nor effected in accordance with law. Significantly, at the time of Vijay's death, he was not a minor, and therefore, the devolution of his property ought to have taken place in accordance with the applicable law of succession. In such circumstances, preference ought to have been given to the first-class heir, namely Kanwal (brother), rather than to a second-class heir like Badra Bai (aunt). The mutation in favor of Badra Bai is thus contrary to law and does not confer any valid title upon her.

15. Further, the sale deed executed in respect of Khasra No. 92/3, admeasuring 94 decimals, is not binding upon the

plaintiff, is also found to be justified in the facts and circumstances of the case. Likewise, with regard to Khasra No. 92/4, admeasuring 87 decimals, since the name of Badra Bai was not mutated in accordance with law, she did not acquire any valid ownership, and consequently, her legal heirs also cannot claim any right over the said land.

16. It is well established that entries in revenue records, including mutation proceedings, are maintained for administrative convenience and for the purpose of assessment and collection of land revenue. In the absence of a valid and legally enforceable document of title, mutation entries alone cannot form the basis of ownership, and no right, title, or interest in immovable property can be claimed solely on the strength of such entries.

17. In conclusion, the evidence on record establishes that the suit land was originally lawfully owned by Vijay Singh, and the subsequent mutation in favour of Badra Bai in 1987 was not supported by any valid legal document and was therefore illegal. As Vijay Singh had already attained majority at the time of his death, succession ought to have devolved upon his lawful heirs, particularly Kanwal, rather than Badra Bai. Consequently, Badra Bai did not acquire any valid title, and any subsequent sale deeds based on her name are not binding on the plaintiff.

18. Even otherwise, the scope of interference in a Second Appeal under Section 100 of the Code of Civil Procedure is extremely limited. Interference is permissible only when the appeal involves a substantial question of law. Concurrent findings of fact recorded by both the Courts cannot be interfered with unless such findings are shown to be perverse, based on no evidence, or contrary to settled principles of law.
19. In the present case, both the Trial Court and the First Appellate Court have concurrently recorded findings, on the basis of evidence available on record, that the appellants failed to establish its case by placing cogent and sufficient material. The appellants have failed to demonstrate any perversity, illegality, or misapplication of law in the findings so recorded.
20. The questions sought to be raised in the present Second Appeal essentially relate to re-appreciation of evidence and challenge to concurrent findings of fact. Such questions do not give rise to any substantial question of law within the meaning of Section 100 of the Code of Civil Procedure.
21. It is well established that when there is a concurrent finding of fact, unless it is found to be perverse, the Court should not ordinarily interfere with the said finding.

22. In the matter of ***State of Rajasthan and others Vs. Shiv Dayal and another***, reported in ***(2019) 8 SCC 637***, reiterating the settled proposition, it has been held that when any concurrent finding of fact is assailed in second appeal, the appellant is entitled to point out that it is bad in law because it was recorded *de hors* the pleadings or based on misreading of material documentary evidence or it was recorded against any provision of law and lastly, the decision is one which no Judge acting judicially could reasonably have reached.
23. Be that as it may, the argument advanced by learned counsel for the appellants and the proposed question of law cannot be regarded as satisfying the test of being 'substantial question of law' within the meaning of Section 100 of CPC. These questions, in my view, are essentially question of facts. The appellants failed to raise any substantial question of law which is required under Section 100 of the CPC. In any event, the Second Appeal did not involve any substantial question of law as contemplated under Section 100 of the CPC, no case is made out by the appellant herein. The judgments impugned passed by the learned trial Court as well as by the learned First appellate Court are just and proper and there is no illegality and infirmity at all.

24. Accordingly, all the appeals are liable to be and are hereby

dismissed.

SD/-

(Bibhu Datta Guru)

Judge

Gowri/Amardeep