



2026:CGHC:10333

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MA No. 73 of 2024

1 - Leelcharan Sahu S/o Sukhdev Sahu Aged About 33 Years R/o Village Murkuta, Post Kura, Tahsil Nawagarh, District Bemetara, Chhattisgarh (Defendants)

2 - Kishan Kumar S/o Leelcharan Sahu Aged About 20 Years R/o Village Murkuta, Post Kura, Tahsil Nawagarh, District Bemetara, Chhattisgarh (Defendants)

... Appellants

versus

1 - Keshoram S/o Rameshwar Sahu Aged About 45 Years R/o Village Dumar Talab, Raipur, District Raipur, Chhattisgarh (Plaintiff)

2 - Hemant Kumar S/o Shri Hem Sahu Aged About 31 Years R/o Village Dumar Talab, Raipur, District Raipur, Chhattisgarh (Plaintiff)

3 - State Of Chhattisgarh Through Collector Bemetara, District Bemetara, Chhattisgarh (Defendant No. 3)

.... Respondents

(Cause title is taken from CIS)

For Appellants	: Mr. H.B. Agrawal, Senior Advocate with Mr. C.K. Sahu, Advocate
For Respondents No.1 & 2	: Mr. H.S. Patel, Advocate
For Respondent/State	: Mr. Santosh Soni, G.A.

Hon'ble Shri Justice Bibhu Datta Guru

Judgment on Board

27/02/2026

Digitally
signed by
AMARDEEP
CHOUBEY
Date:
2026.02.27
18:19:01
+0530

1. The appellants/defendants have preferred the present appeal under Order 43 Rule 1(u) of the Code of Civil Procedure, 1908, being aggrieved by the impugned judgment dated 26.06.2024 passed by the learned Principal District Judge, Bemetara District Bemetara, (C.G.) in Civil Appeal No.8A/2024 (*Keshoram & Anr Vs. Leelcharan Sahu & Ors*), arising out of the judgment and decree dated 29.01.2024 passed by the learned 2nd Civil Judge, Class-I, Bemetara, District Bemetara (C.G.) in Civil Suit No.51A/2018 (*Keshoram & Anr Vs. Leelcharan Sahu & Ors*, whereby the learned Appellate Court set aside the judgment and decree passed by the learned Trial Court and remanded back the matter to the trial Court for its fresh adjudication.
2. Learned counsel for the appellants by referring the paragraph 4 and 5 of the cross appeal, submits that the plaintiffs themselves have stated that the issues on the basis of which the learned Appellate Court has remanded back the issue to the learned Trial Court can also be examined by the First Appellate Court.
3. Learned counsel appearing for the respondents No.1 and 2 has not disputed the aforesaid contention raised in the cross appeal.
4. I have heard learned counsel for the parties and perused the judgment of the learned First Appellate Court.
5. From perusal of the judgment of the learned First Appellate Court, it is manifest that it has remanded the dispute to the trial Court with a finding to decided the issue regarding maintainability of a

single suit where two sale deeds executed between two separate parties are involved. It is not in dispute that two sale deeds executed between two different parties. Once the factual aspect is not disputed and the same is proved, mere decision on a question of law was there, which ought to have been decided by the First Appellate Court while deciding the appeal. Even learned counsel appearing for both the parties contended that they have no objection if the said issue will be decided by the First Appellate Court while deciding the appeal on merits finally.

6. Hence, without expressing any opinion on the merits of the case, the matter is remanded back to the first Appellate Court with a direction to decide the appeal on merits and at the time of deciding the appeal, the issues which have been framed and remanded back to the trial Court be decided while deciding the appeal on merits. The first appellate Court is also directed to afford due opportunity of hearing to both the parties.
7. Accordingly, the present appeal is disposed of.

SD/-

(Bibhu Datta Guru)
Judge

Gowri/
Amardeep