



2026:CGHC:39576



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1137 of 2026

Ashwani Bai Sharma W/o Late Rishi Kumar Sharma, Aged About 60 Years
R/o Killapara, Ward No. 6 In Front Of Gurudwara Pandariya, Tahsil
Pandariya, District Kabirdham (C.G.)

... Petitioner(s)

versus

1 - Vinod Kumar Sharma S/o Late Mulchand Sharma, Aged About 49 Years
By Caste Bramhin, R/o Ward No. 06, Pandariya, Tahsil Pandariya, District
Kabirdham (C.G.)

2 - State Of Chhattisgarh Through Collector, Kabirdham, District Kabirdham
(C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Santosh Bharat, Advocate

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

09/09/2026

1. Default pointed out by the Registry is waived.
2. Heard.
3. Present is writ petition under Article 227 of the Constitution of India filed by the petitioner against the order dated 27.06.2026 passed by the learned Additional Judge, Pandariya to the Court of First Civil Judge, Senior Division, Kawardha in Civil Suit No.9A/2019 whereby the application filed by the petitioner under Order 1 Rule 10 of CPC has



been rejected.

4. Learned counsel for the petitioner would submit that the respondent No.1 is prosecuting a suit before the learned trial Court and the respondent No.1 and husband of the petitioner were real brothers, wherein respondent No.1 claimed title over the suit land of Khasra Nos. 15/1, 86/1, 15/2 and 84/1, admeasuring 1.00 acre, 0.04 acre, 0.22 acre and 5.85 acres respectively, in aggregate 7.11 acres, situated at Village - Singarpur, Tahsil – Pandariya wherein the plaintiff had repeatedly sought demarcation and map of the aforesaid land, thereby indicating that the suit land was not properly identifiable. He would submit that the statements of the plaintiff and his witnesses, particularly their admissions in cross-examination, establish that they failed to properly identify the suit land. The learned trial Court, therefore, erred in permitting the plaintiff to fill up the lacuna in his case, particularly when the defendant had already submitted his final written arguments and only, thereafter, an application under Order 1 Rule 10 of the CPC was filed and after the death of the petitioner's husband, the petitioner moved an application seeking her impleadment in the proceedings, therefore, the impugned order passed by the learned trial Court may be set aside and the plaintiff may be directed to implead the petitioner as a party defendant in the suit.
5. I have heard learned counsel for the petitioner and perused the document annexed with the petition.
6. From perusal of the plaint, it appears that the plaintiff has claimed title over Khasra Nos. 15/1, 86/1, 15/2 and 84/1, admeasuring in aggregate 7.11 acres, situated at Village Singarpur, Tahsil Pandariya. The plaintiff



himself has pleaded that the aforesaid land was not properly identifiable in the revenue records and had repeatedly approached the revenue authorities for its demarcation and map. The contention of learned counsel for the petitioner that the application under Order 1 Rule 10 of the Code of Civil Procedure was filed only after submission of the defendant's final written arguments and was intended to fill up the lacuna, cannot be accepted at this stage. The learned trial Court has considered the matter in the light of the pleadings and material available on record. Merely because the plaintiff had earlier approached the revenue authorities for demarcation does not, by itself, establish that the plaintiff has failed to identify the suit property. It is also not in dispute that the respondent No.1/plaintiff and the husband of the petitioner were real brothers and that, after the death of her husband, the petitioner sought her impleadment in the proceedings. However, the said circumstance, by itself, does not render the order of the learned trial Court illegal or without jurisdiction. This Court, in exercise of its writ jurisdiction, is not required to re-appreciate the disputed questions of fact or substitute its own view for that of the learned trial Court, particularly when no perversity, jurisdictional error or illegality has been demonstrated.

7. Having regard to the facts and circumstances of the present case, this Court finds no ground to interfere with the impugned order passed by the learned trial Court.
8. Accordingly, the writ petition fails and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE