



2026:CGHC:3051



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 516 of 2024

Gaindram Dhruw S/o Gosai Ram Sahu Aged About 62 Years R/o
Village Beltukri, Tahsil Rajim, District Gariyaband, Chhattisgarh.

... Appellant

versus

1 - Nohar Ram S/o Shobhit Ram Sahu Aged About 53 Years R/o
Village Sursabandha, Tahsil Rajim, District Gariyaband,
Chhattisgarh. (Plaintiff)

2 - State Of Chhattisgarh, Through Collector, Gariyaband, District
Gariyaband, Chhattisgarh. (Defendant No. 2)

... Respondent(s)

(Cause title taken from CIS)

For Appellant : Shri Ravipal Maheshwari, Advocate.

For Respondent(s) : Shri Anand Gupta, Dy. Govt. Advocate.

Hon'ble Shri Bibhu Datta Guru, Judge

**Order on Board****19.01.2026**

1. By the present appeal under Section 100 of the CPC, the appellants/defendant challenging the impugned judgment and decree dated 13.06.2024 passed by the Learned Additional District Judge, Gariyaband Distt-Gariyaband (C.G.) in Civil Appeal No. 3-A/2020 (Nohar Ram v. Gendram and Another) arising out of the judgment and decree dated 24.12.2019 passed by the learned Civil Judge, Class- II, Rajum Distt- Gariyaband (C.G.) in Civil Suit No. 24-A/2014 (Nohar Ram v. Gendram and Another). For the sake of convenience, the parties would be referred as per their status before the learned trial Court.
2. The plaintiff/Respondent No.1 filed a civil suit before the Court of learned Civil Judge, Class-II, Rajim, District Gariyaband (Chhattisgarh), seeking declaration of title and permanent injunction in respect of the suit land bearing Khasra Nos. 958, 1310 and 1413, admeasuring 0.04 hectare, 0.60 hectare and 0.33 hectare respectively, total area 0.97 hectare, situated at Village Beltukri, Patwari Halka No. 25, Revenue Circle and Tahsil Rajim, District Gariyaband (C.G.) pleading, inter alia, that



the suit property belonging to his mother late Bisahin Bai.

According to the plaintiff, Munda had one son Bisauha (since deceased) and one daughter Bisahin Bai (since deceased), and the plaintiff is the son of Bisahin Bai. It was further pleaded that Bisauha Sahu had contracted an inter-caste marriage with Sona Bai Gond, who is the mother of the appellant/Defendant No.1.

3. Plaintiff Nohar being son of Bisahi Bai claimed his & her mothers share in the property of Munda, whereas the defendant questioned the said claim of the plaintiff on the ground that though he is not the son of Bisauha, but after marriage of his mother with Bisauha, he is entitled for all the share in the property owned by Munda.
4. The Defendant No.1 also instituted a counter civil suit seeking declaration of title and permanent injunction in respect of the suit land on the basis of an executed Will Deed. It was pleaded that after the death of Bisauha Sahu, the suit land was duly mutated in the name of his wife Sona Bai, who is the mother of Defendant No.1.
5. After appreciating the evidence available on record and upon framing the issues, the learned Trial Court dismissed the suit



filed by the plaintiff and allowed the counter claim filed by the defendant No.1 was allowed vide judgment and decree dated 24.12.2019. Aggrieved by the said judgment and decree, the plaintiff preferred a First Appeal, which was partly allowed by the learned First Appellate Court. Thus, this appeal by the defendant No.1.

6. Learned counsel appearing for the defendant No.1 contended that the suit land was the self-acquired property of Bisauha Ram. After his death, the same was recorded in the name of his wife, Sona Bai, who is the mother of Defendant No. 01. It is further submitted that Sona Bai, by way of a Will, bequeathed the suit land in favour of Defendant No. 01, and therefore he alone is the exclusive owner and title-holder of the suit land.
7. I have heard learned counsel for the appellants, perused the material available on record.
8. Bare perusal of the entire material available on record, it is evident that the suit property was the ancestral property of Bisauha Ram and Bisahin Bai, who are the siblings (maama and mother of the plaintiff). Although after the death of Bisauha Ram, the entire suit property came to be recorded in the revenue records in the name of Sona Bai, who is alleged to



be concubine of Bisauha Ram, therefore, such mutation did not confer absolute title upon her. The First Appellate Court further held that the Will Deed dated 27.01.2014 (Ex.D-01) alleged to have been executed by Sona Bai in favour of her son i.e. Defendant No.1, Gaindram Dhruv, could not operate to divest the lawful share of the plaintiff, as Sona Bai was not the exclusive owner of the entire suit property. It was specifically held that since the suit property was ancestral in nature, and the plaintiff Noharam, being the sole son and legal heir of late Bisahin Bai, was entitled to inheritance, the plaintiff had a one-half ($\frac{1}{2}$) undivided share in the suit property, and consequently, Defendant No.1 could not be declared as the sole and exclusive owner of the entire disputed land.

9. From the aforesaid facts and circumstances of the case, it is crystal clear that the impugned judgment and decree are just and proper warranting no interference of this Court. There is no illegality and infirmity at all. Learned counsel for the appellant failed to raise any substantial question of law.
10. The reversal of that finding by the First Appellate Court, therefore, does not suffer from any error of law, much less a



substantial question of law warranting interference by this Court.

11. This Court finds that the Second Appeal essentially seeks reappreciation of evidence and substitution of findings of fact recorded by the First Appellate Court, which is impermissible within the limited scope of Section 100 CPC. No substantial question of law arises for consideration in the present Second Appeal.
12. As a sequel, the appeal sans substratum is liable to be and is hereby dismissed at the motion stage itself.

Sd/-

(Bibhu Datta Guru)
Judge

Shoaib