



2026:CGHC:42462



CGHC010383182026



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1271 of 2026

1 - Brijendranath S/o Sitaram Kushwaha, Aged About 72 Years, Occupation Agriculture, R/o Village Darain, Tahsil Jaisingh Nagar, Distt.- Shahdol (M.P.)

2 - Premvati W/o Late Rajendra Kushwaha, Aged About 40 Years, Occupation Agriculture, R/o Village Darain, Tahsil Jaisingh Nagar, Distt.- Shahdol (M.P.)

3 - Sanjeev Kumar S/o Vijendranath Kushwaha, Aged About 40 Years, R/o Village Darain, Tahsil Jaisingh Nagar, Distt.- Shahdol (M.P.)

4 - Jammibai W/o Late Ramdulare Kushwaha, D/o Shri Sitaram Kushwaha, Aged About 75 Years, R/o Village Budwa Dhari No. 02, Tahsil Byouhari, Distt.- Shahdol (M.P.)

5 - Ahillabai W/o Shivprasad Kushwaha, D/o Sitaram Kushwaha, Aged About 70 Years, R/o Village Khad, Tahsil Byouhari, Distt.- Shahdol (M.P.)

6 - Champabai W/o Bhagwat Kushwaha, D/o Sitaram Kushwaha, Aged About 68 Years, R/o Village Khad, Tahsil Byouhari, Distt.- Shahdol (M.P.)

... Petitioners**versus**

1 - Birendra Kumar S/o Late Ramkrishn Kushwaha, Aged About 57 Years, Occupation Agriculture, R/o Village Ghatai, Tahsil Bharatpur, Distt.- M.C.B. (C.G.)

2 - Vijay Mala W/o Ramlakhan Kushwaha, D/o Ramkrishn Kushwaha, Aged About 63 Years, R/o Village Sariya, Tahsil Ramnagar, Distt.- Satna (M.P.)

3 - Shyama W/o Ramkaran Kushwaha, Aged About 60 Years, R/o Village Sariya, Tahsil Ramnagar, Distt.- Satna (M.P.)



4 - Ranjana W/o Ramswarup Kushwaha, D/o Ramkrishn Kushwaha, Aged About 48 Years, R/o Village Bhattu Jhiriyatola, Tahsil Jaisinghnagar, Distt.- Shadol (M.P.)

5 - State of Chhattisgarh Through The Collector, Manendragarh, Distt.- M.C.B. (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Ramsajiwan, Advocate.
For State	:	Ms. Richa Sahu, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on Board

29-09-2026

1. The present is a writ petition under Article 227 of the Constitution of India filed by the petitioners challenging the order dated 10-08-2026 passed by the learned Civil Judge Junior Division Janakpur, District Koriya in Civil Suit No.02/2026 whereby the application filed by the defendants No.1 to 6 under Section 16 of the CPC has been rejected.
2. Learned counsel for the petitioners would submit that the petitioners are defendants No.1 to 6 before the learned trial Court where respondent No.1 is prosecuting a suit for declaration of title and permanent injunction and also for partition of the suit property situated at Village Darain, Kharika Tola and Ghatai. He would further submit that the property situated at Village Darain is situated at District Shahdol, M.P. and the property situated there is the self acquired property of the defendants and it is not the ancestral property. The plaintiff is claiming his share over the entire property situated in the aforesaid three villages. The property of village Ghatai is situated at Tahsil Bharatpur, District Manendragarh-Chirmiri-Bharatpur (C.G.) and also the property of village Kharika Tola is also within the District of District Manendragarh-Chirmiri-Bharatpur (C.G.) which were their ancestral property, however, the property situated at Village Darain, District Shahdol, Madhya Pradesh is the self acquired property of the defendants No.1 to 6. The nature of the property



itself was apparent from the documents filed by the plaintiff along with his plaint. Therefore, the learned trial Court has no jurisdiction to entertain the suit as the property of Village Darain is out of the jurisdiction of the learned trial Court situated at Chhattisgarh, yet the application filed by the petitioners has been rejected. He would further submit that the trial Court has no territorial jurisdiction to decide the dispute, therefore, the application filed by the petitioners may be allowed and suit filed by the plaintiff may be dismissed.

3. I have heard learned counsel for the petitioners and perused the documents annexed with the petition.
4. From perusal of the plaint, filed by the plaintiff before the learned Civil Judge Junior Division Janakpur, District Koriya, Chhattisgarh, it transpires that the plaintiff is claiming declaration of title, partition and permanent injunction over the suit property which are situated at Village Darain bearing Khasra No.228 area 6.34 acre and Khasra No.362 area 7.50 acres and in para No.8 he made pleadings that it was acquired by Sitaram and Ramkrishn, both of them were jointly cultivated the same and there was no partition between them. In para 9 of the plaint it has also been pleaded that the defendant No.1 without giving any information kept the property mutated in his name alone, however the right and title of the plaintiff is also there over the suit property. In para 10 he pleaded that during their joint holdings, their fathers have acquired the property of village Ghatai before the settlement bearing Khasra No.227, 341, 342, 349 and 350/2 total area 3.209 hectare and the sale deed was executed on 30-01-1973 in the name of plaintiff and defendant No.1. It is further the pleading of the plaintiff in the plaint that the other property of village Ghatai bearing Khasra No.423, 645, 657, 658 area 0.267 hectare, 0.360 hectare, 0.828 hectare and 0.227 hectare respectively was also acquired in the name of plaintiff and defendant No.1 through registered sale deed in the year 1974.
5. The plaintiff has made detailed pleadings with respect to acquisition of the



suit properties which are situated in different places either in the State of Madhya Pradesh or in the State of Chhattisgarh. Though the defendants No.1 to 6 have raised objection that the property situated at Village Darain, District Shahdol, M.P. was the self acquired property of defendants No. 1 to 6, however, the said issue is required to be examined by the trial Court after recording of the evidence of the parties concerned with respect to the nature of its acquisition and other surrounding circumstances. In the present case, the defendants No.1 to 6 have raised issue with respect to the jurisdiction of the learned trial Court that since the property situated at village Darain, Shahdol, M.P. is out of the territorial jurisdiction of the learned trial Court situated at District Koriya, C.G. the suit cannot be proceeded.

6. Jurisdiction of the Civil Court is provided under Section 16 of the CPC and Section 17 of the CPC provided the jurisdiction of suit for immovable property situated within jurisdiction of different Courts. It is necessary here to note both sections, i.e., Section 16 and 17 of the CPC which read as under:-

“16. Suits to be instituted where subject-matter situate.- Subject to the pecuniary or other limitations prescribed by any law, suits—

- (a) for the recovery of immovable property with or without rent or profits,
- (b) for the partition of immovable property,
- (c) for foreclosure, sale or redemption in the case of a mortgage of or charge upon immovable property,
- (d) or the determination of any other right to or interest in immovable property,
- (e) for compensation for wrong to immovable property,
- (f) for the recovery of movable property actually under distraint or attachment,

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate:



Provided that a suit to obtain relief respecting, or compensation for wrong to, immovable property held by or on behalf of the defendant may, where the relief sought can be entirely obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction the defendant actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—In this section "property" means property situate in India.

17. Suits for immovable property situate within jurisdiction of different Courts.- Where a suit is to obtain relief respecting, or compensation for wrong to, immovable property situate within the jurisdiction of different Courts, the suit may be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situate:

Provided that, in respect of the value of the subject-matter of the suit, the entire claim is cognizable by such Court."

7. From the aforesaid two provisions, it is quite clear that if the property situated within different places and different jurisdictional court, the plaintiff may file the suit in any of the local jurisdiction of the civil Court in whose jurisdiction any portion of the property is situated. As per the plaint itself the property situated at Village Ghatai and Kharika Tola are within the jurisdiction of learned trial Court at Janakpur, therefore, the plaintiff has filed the suit there at Janakpur. In para 25 of his plaint, the plaintiff has also explained the jurisdictional aspect of the learned trial Court.
8. In **Shivnarayan (Dead) By Legal Representatives Vs Maniklal (Dead) Through Legal Representatives and others**, (2020) 11 SCC 629, the Hon'ble Supreme Court has held in paragraphs No.11, 12, 13, 14, 33 and 34 that:-

"11. We need to notice the scheme under the Code of Civil Procedure as delineated by Section 16 and 17. Section 16 provides



that the suit shall be instituted in the court within the local limits of whose jurisdiction the property is situated. Section 16(b) mentions "for the partition of immovable property".

12. Now, we look into Section 17, which deals with suits for immovable property situated within jurisdiction of different courts. As per Section 17, the suit may be instituted in any court within the local limits of whose jurisdiction any portion of the property is situated. What is the meaning of the words "any portion of the property"? There may be a fact situation where immovable property is a big chunk of land, which falls into territorial jurisdiction of two courts in which fact situation in court in whose jurisdiction any portion of property is situated can entertain the suit. Whether Section 17 applies only when a composite property spread in jurisdiction of two courts or Section 17 contemplate any wider situation. One of the submissions of the learned counsel for the appellant is that the word "property" as occurring in Section 17 shall also include the plural as per Section 13 of the General Clauses Act, 1897. Section 13 of the General Clauses Act provides:

"13. Gender and number.—In all Central Acts and Regulations, unless there is anything repugnant in the subject or context—

(1) words importing the masculine gender shall be taken to include females; and

(2) words in the singular shall include the plural, and vice versa."

13. Applying Section 13 of the General Clauses Act, the Bombay High Court explaining the word "property" used in Section 17 held that it includes properties. We are also of the same view that the word "property" used in Section 17 can be more than one property



or properties.

14. The word "property" under Section 17 of the Civil Procedure Code may also be properties, hence, in a schedule of plaint, more than one property can be included. Section 17 can be applied in event there are several properties, one or more of which may be located in different jurisdiction of courts. The words "portion of the property" occurring in Section 17 have to be understood in the context of more than one property also, meaning thereby one property out of a lot of several properties can be treated as portion of the property as occurring in Section 17. Thus, interpretation of words "portion of the property" cannot only be understood in a limited and restrictive sense of being portion of one property situated in jurisdiction of two courts.

33. Sections 16 and 17 CPC are part of the one statutory scheme. Section 16 contains general principle that suits are to be instituted where subject-matter is situate whereas Section 17 engrafts an exception to the general rule as occurring in Section 16.

34. From the foregoing discussions, we arrive at the following conclusions with regard to ambit and scope of Section 17 CPC:

34.1. The word "property" occurring in Section 17 although has been used in "singular" but by virtue of Section 13 of the General Clauses Act it may also be read as "plural" i.e. "properties".

34.2. The expression "any portion of the property" can be read as portion of one or more properties situated in jurisdiction of different courts and can be also read as portion of several properties situated in jurisdiction of different courts.

34.3. A suit in respect of immovable property or properties situate in jurisdiction of different courts may be instituted in any court within whose local limits of jurisdiction, any portion of the property or one



or more properties may be situated.

34.4. A suit in respect of more than one property situated in jurisdiction of different courts can be instituted in a court within local limits of jurisdiction where one or more properties are situated provided suit is based on same cause of action with respect to the properties situated in jurisdiction of different courts.”

9. From perusal of the impugned order passed by the learned trial Court it transpires that the learned trial Court has rightly appreciated the provisions of Section 16 and 17 of the CPC and keeping in view the principle laid down by the the Hon'ble Supreme Court in **Shivnarayan** (supra) has rejected the application filed by the petitioners.
10. After having gone through the entire material produced along with the petition as well as the provision of Section 16 and 17 of the CPC and also the judgment passed by the Hon'ble Supreme Court in the case of **Shivnarayan** (supra), I do not find any perversity or jurisdictional error in rejecting the application filed by the petitioners. Accordingly, the present writ petition fails and is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)

Judge