



2026:CGHC:3116



2026:CGHC:3116

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1068 of 2025

1 - Ramadhar S/o Late Jagtaram Rajwade Aged About 58 Years R/o Village Ranpurkhurd, Police Station And Tehsil Ambikapur, District Sarguja (Chhattisgarh)

... **Petitioner(s)**

versus

1 - Nageshwari W/o Late Munshu Aged About 58 Years, Presently Residing At Village Puhputra, Sachiv Para, Tehsil Lakhanpur, Post Lahpatra, District Sarguja (C.G.)

2 - Hirasay S/o Late Munshu Aged About 37 Years, Presently Residing At Village Dhab, Tehsil Lakhanpur, Post Lahpatra, District Sarguja (C.G.)

3 - Hari Prasad S/o Late Munshu Aged About 28 Years, Presently Residing At Village Puhputra, Sachiv Para, Tehsil Lakhanpur, Post Lahpatra, District Sarguja (C.G.)

4 - Somari Alias Sushila D/o Late Munshu, W/o Ujitram Rajwade Aged About 28 Years, Presently Residing At Village Kanthi, Police Station And Tehsil Ambikapur, District Sarguja (C.G.)

5 - Gayatri D/o Late Munsu, W/o Navratan Rajwade Aged About 32 Years, Presently Residing At Village Chilbil, Police Station And Tehsil Lakhanpur, Post Lahpatra, District Sarguja (C.G.)

6 - Rekha D/o Of Late Munshu Aged About 21 Years, Presently Residing At Village Puhputra, Sachin Para, Tehsil Lakhanpur, Post Lahpatra, District Sarguja (C.G.)

7 - State Of Chhattisgarh Through The Collector, Ambikapur, District Sarguja (C.G.)

... **Respondent(s)**

For Petitioner(s)	:	Mr. Govind Prasad Dewangan, Advocate
For Respondent No.7/ State	:	Mr. Abhyuday Tripathi, P. L.
For respondents No. 1 to 6	:	None, despite service.



(Hon'ble Shri Justice Sachin Singh Rajput)

Order on Board

19/01/2026

1. The present writ petition under Article 227 of the Constitution of India is preferred against the order dated 22.04.2025 passed by the 4th Additional District Judge (Ambikapur) District- Sarguja (CG) (for short " District Judge")by which the appeal of the petitioner/ plaintiff filed under Section 104 r/w Order 43 Rule 1 of Civil Procedure Code, 1908 (for short "CPC") has been rejected. By the impugned order, the order dated 12.02.2025 passed by the 2nd Civil Judge Senior Division, Ambikapur, District- Sarguja (CG) (for short "Civil Judge") in Civil Suit Case No.110A/ 2024 by which the application under Order 39 Rule 1, 2 R/w Section 151 of CPC filed by the petitioner / plaintiff was dismissed, has been affirmed.
2. Learned counsel for the petitioner submits that the suit property in this writ petition is comprised in piece of Khasra Nos.4868 & 4870 Area 0.223 & 0.539 Hectare respectively total 2 plots total area 0.7620 Hectare is situated in village Ambikapur Tahsil Ambikapur District Sarguja (CG). The petitioner/ plaintiff filed a civil suit before the learned Civil Judge *inter alia* pleading that the suit property is the self-acquired property of father of the petitioner namely Jagatram. He passed away on 15.09.2012. Thereafter name of the petitioner/ plaintiff was recorded in the revenue records. The suit property was originally purchased by the petitioner /plaintiff's father by a sale deed dated 03.11.1961 and till date he is in possession thereon. Further a will was executed on 26.03.2012 in favour of the petitioner/ plaintiff by his father. On the strength of the said will, name of the petitioner was recorded in revenue records which was subjected to challenge by respondents/ defendants No. 1 to 6 after so many years and thereafter their names were also recorded in the revenue records. The litigation with respect to that is still pending consideration before the Revenue Court. Thus seeking the relief of declaration of title and injunction suit was filed by the petitioner/ plaintiff. Along with the plaint, an application under Order 39



Rule 1 & 2 r/w Section 151 of CPC was also filed, *inter alia*, praying for a temporary injunction to restrain the revenue authorities from recording the names of respondents No. 1 to 6/ defendants No. 1 to 6 in the revenue records. It was further prayed that respondents No. 1 to 6 / defendants No. 1 to 6 be restrained from alienating the suit property. The learned Civil Judge however failed to consider the pleadings and the material on record in its proper perspective and erroneously dismissed the application vide an order dated 12.02.2025. An appeal against the said order was also dismissed by the learned District Judge vide the impugned order, without considering the submissions made by the petitioner/ plaintiff. It is further submitted that the three essential ingredients for grant of temporary injunction i.e. prima facie case, balance of convenience, irreparable loss lie in favour of the petitioner. Thus, the impugned order deserves to be set aside, and the application under Order 39 Rules 1 & 2 of CPC ought to be allowed.

3. Mr. Tripathi, P. L. appearing on behalf of respondent No.7/ State submits that the dispute is between the petitioner/plaintiff and respondents/ defendants No.1 to 6 and State is a formal party. Despite service of notice, none appeared on behalf of respondents No. 1 to 6 / defendants No.1 to 6.
4. Heard learned counsel for the parties and perused the record.
5. A perusal of record indicates that the petitioner is claiming title to the suit property which forms the basis of this appeal. As per the pleadings of the petitioner/ plaintiff, the suit property was the self-acquired property of his father, who bequeathed said property by way of will and earlier his name was also recorded in the revenue records. Perusal of the written statement indicates that the title of the petitioner is disputed by the respondents No. 1 to 6 and it has been pleaded by them that the suit property belongs to a joint Hindu family and was purchased from joint family fund. Furthermore, it is contended that the alleged will is totally forged and fabricated. It is also pleaded that the petitioner/ plaintiff, as well as respondents/defendants No. 1 to 6, are in joint possession of the suit property and hold equal shares therein. The learned Civil Judge, while deciding the application for temporary injunction,



categorically held that the revenue records had already been corrected; thus, no injunction could be granted. Apart from this, the learned Civil Judge observed that it is the petitioner/ plaintiff who has entered into a registered agreement to sell the property to a third party, whereas no documents were filed by the petitioner/ plaintiff to show that respondents No.1 to 6 / defendants No. 1 to 6 were attempting to create third-party interest. Learned Civil Judge found that the three ingredients i.e. prima facie case, balance of convenience, irreparable loss- did not lie in favour of the petitioner and consequently dismissed the application. This finding of fact recorded by the learned Civil Judge was subsequently affirmed by the learned District Judge by the impugned order. It does not appear that the learned Civil Judge as well as the District Judge committed error of law or jurisdictional error while recording these findings. The orders passed by both Courts below appear to be based on a proper appreciation of the material available on record. In the opinion of this Court, there is no illegality or irregularity in the impugned order while exercising power under Article 227 of the Constitution of India. Thus, the submissions made by learned counsel for the petitioner do not appeal to this Court; this writ petition is sans merit and is hereby dismissed.

6. No order as to costs.
7. All pending applications stand disposed of.

Sd/-

(Sachin Singh Rajput)

JUDGE