



2026:CGHC:3422

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****SA No. 686 of 2025**

1. Ku. Varlakshmi Adireddy D/o Late Varhalu Aged About 66 Years R/o Annapurna Colony, Sector 5, Ganesh Nagar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh
2. Ratna D/o Late Varhalu Aged About 64 Years R/o Annapurna Colony, Sector 5, Ganesh Nagar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh
3. Padma D/o Late Varhalu Aged About 63 Years R/o Annapurna Colony, Sector 5, Ganesh Nagar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh
4. Shrinivas S/o Late Varhalu Aged About 56 Years R/o Annapurna Colony, Sector 5, Ganesh Nagar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh
5. Kaali Shankar S/o Late Varhalu Aged About 62 Years Caste Telugu (Belma) R/o Annapurna Colony, Sector 5, Ganesh Nagar, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh

... Appellant(s)**versus**

1. Ranjeet Singh S/o Late Pritam Singh Aged About 54 Years R/o Village Sirgitti, Police Station Sirgitti, Tehsil And District Bilaspur, Chhattisgarh
2. Mangat Singh S/o Late Pritam Singh Aged About 68 Years R/o Village Sirgitti, Police Station Sirgitti, Tehsil And District Bilaspur, Chhattisgarh
3. Vasudev S/o Late Bisahu Suryavanshi Aged About 47 Years R/o Village Sirgitti, Police Station Sirgitti, Tehsil And District Bilaspur, Chhattisgarh
4. Sahdev S/o Late Bishu Suryavanshi Aged About 43 Years R/o Village Sirgitti, Police Station Sirgitti, Tehsil And District Bilaspur, Chhattisgarh
5. State Of Chhattisgarh Through District Magistrate, Bilaspur, District Bilaspur, Chhattisgarh

... Respondent(s)

For Appellant(s)	:	Mr. Rahul Kumar, Advocate
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For Respondent/ State	:	Mr. Anand Gupta, Dy. G.A.
For Respondents No. 4 & 5	:	Mr. Siddharth Shukla, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge
Judgment on Board

20.01.2026

1. The defendants/ appellants have preferred this second appeal under Section 100 of the Code of Civil Procedure, 1908 (for brevity CPC) against the judgment & decree dated 28.10.2025 passed by the Learned IVth District Judge, Bilaspur in Civil Appeal No. A/46/2025 (Ku. Varlakshmi Adireddy & Ors. Vs. Ranjeet Singh & Ors.) affirming the judgment and decree dated 25.02.2025 passed by the Trial Court in Civil Suit No. 19A/2017 (Ranjeet Singh & Ors. Vs. Ku. Varkalshmi Adireddy & Ors.) whereby the learned trial Judge has allowed the suit of the plaintiff/ respondent herein filed for declaration of title, declaration that the sale deed dated 04.12.1991 and the mutation order are illegal and void, and a decree of permanent injunction. For the sake of convenience, the parties would be referred as per their status before the learned trial Court.
2. The pleadings in suit of the plaintiff, in brief, are that the suit land originally belonged to late Bisahu, father of defendant Nos. 2 and

3, and was purchased by the plaintiffs' father, late Pritam Singh, through a registered sale deed dated 04.03.1968, pursuant to which he came into possession and remained in possession till his death in the year 1995. For the purpose of mutation, late Pritam Singh had submitted the requisite stamp paper to the Patwari, however, despite issuance of notices, including a second notice dated 29.03.1968, the mutation was not effected, and due to lapse of time and his subsequent death, the revenue records continued to reflect the name of Bisahu. Taking advantage of this, defendant Nos. 2 and 3, without obtaining mutation of inheritance, executed a registered sale deed dated 04.12.1991 in favour of deceased defendant No. 1, late A. Lakshmi, in respect of 0.40 decimal of the suit land. The said deceased defendant No. 1 thereafter obtained an illegal mutation from the Gram Panchayat in violation of Sections 27 and 32 of the CG Land Revenue Code, 1959 allegedly on the basis of a forged demarcation report dated 03.04.2013. Despite the plaintiffs being in continuous possession of the disputed land, Khasra No. 365, area 0.65 decimal, the deceased defendant No. 1 initiated proceedings under Section 250 of the Land Revenue Code and also lodged a false complaint at Sirgitti Police Station on 23.03.2015 alleging encroachment by the plaintiffs. On these grounds, the plaintiffs have instituted the suit seeking declaration of title as also the declaration to the effect that the sale deed dated 04.12.1991 and the mutation order are illegal and void, and a decree of permanent injunction restraining the

defendants from interfering with their peaceful possession over the suit land.

3. The deceased defendant No. 01, late A. Lakshmi Reddy, in her written statement, denied all the averments made in the plaint except those contained in paragraph No. 01, contending that the remaining pleadings were false and fabricated. It was pleaded that the land situated at Sirgitti, Patwari Circle No. 37, Tehsil and District Bilaspur, comprising Khasra. 708 and 365, admeasuring 0.05 and 0.40 acres respectively, was lawfully purchased by her through a registered sale deed dated 04.12.1991 from defendants No. 2 & 3 pursuant to which she acquired valid title and possession. It was further pleaded that Khasra No. 365/2 was duly mutated in her favour vide Mutation Order No. 136 dated 02.07.1999 and that the relevant revenue records, including the B-1 register and five-year record, were accordingly issued. It was also contended that a demarcation was duly conducted by the Revenue Inspector, Bilaspur, on 03.04.2013 after issuance of notice, though defendant No. 2 failed to remain present. According to the defence, the plaintiffs attempted to forcibly encroach upon the land on 23.03.2015 by fencing it with cement poles and barbed wire, which led to the lodging of a police complaint on 24.03.2015 and filing of an application under Section 250 of the Land Revenue Code before the Tehsildar, Bilaspur, seeking restoration of possession. It was further pleaded that the plaintiffs' own records

disclose mutation proceedings of the year 1968 and, therefore, the cause of action, if any, arose at that time, rendering the suit barred by limitation.

4. Defendants No. 2 to 4 remained ex-parte before the trial court and no written statement was filed on their behalf.
5. On the pleadings of the parties, the learned trial Judge framed as many as 2 issues and given opportunity to the parties to adduce evidence, both oral and documentary and after a full fledged trial rendered a decision suiting the plaintiff on the ground that the record clearly establishes that the suit land was lawfully purchased by late Pritam Singh from Bisahu by a registered sale deed dated 04.03.1968 and that Pritam Singh remained in possession thereof till his death. Upon his intestate death in the year 1995, the plaintiffs, being his sons, succeeded to the suit property by operation of Section 8 of the Hindu Succession Act. Once the title had validly passed to Pritam Singh in the year 1968, Bisahu ceased to have any right, title, or interest in the suit land and, therefore, had no authority to convey the same or any part thereof to defendant Nos. 2 and 3. Consequently, the sale deed dated 04.12.1991 executed in favour of the defendants is void ab initio, and no right or title could be derived by the defendants on the basis of the said sale deed or the subsequent mutation and demarcation proceedings founded thereon. Against the judgment and decree passed by the trial Court the defendant/ appellant has preferred first appeal before the First Appellate Court which has been

dismissed vide judgment and decree impugned herein affirming the findings of the trial Court. Aggrieved by the judgment and decree passed by the First Appellate Court, the present Second Appeal has been filed.

6. I have heard learned counsel for the parties, perused the material available on record.
7. Learned counsel for the appellants raised an argument stating that though the suit was barred by limitation, learned trial Court as well as the learned first Appellate Court committed gross error by holding that the suit was filed within the limitation period.
8. From the material available on record, it is apparent that, after due appreciation of the oral and documentary evidence adduced by the parties, the Trial Court held that the plaintiffs have proved their possession over the land in dispute and, accordingly, was entitled to the grant of permanent injunction, consequently, the sale deed dated 04.12.1991 executed in favour of the defendants is *void ab initio*, and no right or title could be derived by the defendants on the basis of the said sale deed or the subsequent mutation and demarcation proceedings founded thereon. The said finding has subsequently been affirmed by the First Appellate Court as well.
9. Both the learned trial Court as well as the learned first Appellate Court concurrently held that the suit was within limitation because when the *Ishtgasha* filed by the police of police station Sirgitti on 24.3.2015 and 29.7.2015, the cause of action arose and thereafter the suit was filed on 3.1.2017, which was well within the limitation

as per the provisions contained under the provisions of the Limitation Act.

10. Even otherwise, the scope of interference in a Second Appeal under Section 100 of the Code of Civil Procedure is extremely limited. Interference is permissible only when the appeal involves a substantial question of law. Concurrent findings of fact recorded by both the Courts cannot be interfered with unless such findings are shown to be perverse, based on no evidence, or contrary to settled principles of law.
11. In the present case, both the Trial Court and the First Appellate Court have recorded concurrent findings, on the basis of evidence available on record. The appellants have failed to demonstrate any perversity, illegality, or misapplication of law in the concurrent findings so recorded.
12. The questions sought to be raised in the present Second Appeal essentially relate to re-appreciation of evidence and challenge to concurrent findings of fact. Such questions do not give rise to any substantial question of law within the meaning of Section 100 of the Code of Civil Procedure.
13. Be that as it may, the argument advanced by learned counsel for the appellants and the proposed question of law cannot be regarded as satisfying the test of being 'substantial question of law' within the meaning of Section 100 of CPC. These questions, in my view, are essentially question of facts. The appellants failed to raise any substantial question of law which is required under Section 100

of the CPC. In any event, the Second Appeal did not involve any substantial question of law as contemplated under Section 100 of the CPC, no case is made out by the appellants herein. The judgments impugned passed by the learned trial Court as well as by the learned First appellate Court are just and proper and there is no illegality and infirmity at all.

14. Accordingly, the present appeal is liable to be and is hereby **dismissed** at the motion stage itself.

SD/-
(Bibhu Datta Guru)
Judge

Jyoti