



2026:CGHC:3804



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 19 of 2026

Shubham Agrawal S/o Satish Kumar Agrawal Aged About 24 Years R/o Plot No. - 243, Ward No. - 36, Kalindi Kunj Colony, Mitthumuda, Raigarh, Tahasil And District - Raigarh (C.G.) (Defendant No. 2 In Suit)

... **Petitioner**

versus

1 - Inderpal Singh Bhatia S/o Shri Harbansh Singh Bhatia Aged About 62 Years R/o Jagatpur, Raigarh, Tehsil And District - Raigarh (C.G.) (Plaintiff In Suit)

2 - Uma Devi S/o Shri Anil Kumar Dev Aged About 56 Years R/o Ward No. - 6, Boirdadar, Main Road Raigarh, Tehsil And District - Raigarh (C.G.) (Defendant No. 1 In Suit)

3 - State Of Chhattisgarh Through Collector, Raigarh (C.G.) (Defendant No. 3 In Suit)

... **Respondents**

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Arvind Shrivastava, Advocate
For Respondent No.1	: Mr. Akhil Kumar Samantray, Advocate appears through video conferencing alongwith Mr. Abhijeet Mishra, Advocate
For Respondent/ State	: Mr. Lekhram Dhruw, Panel Lawyer

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

22/01/2026



1. By the present review petition, the review petitioner/ defendant No.2 in Suit (Respondent No.2 in MA No.215/2025) seeks review of the judgment dated 06/11/2025 passed by this Court in M.A. No.215/2025, on the ground that the said miscellaneous appeal was disposed of at the admission stage without issuance of notice to the parties and without affording an opportunity of hearing, allegedly in violation of the principles underlying Section 52 of the Transfer of Property Act, 1882 (for short 'the TP Act').
2. The respondent No.1/plaintiff instituted a civil suit seeking declaration that the sale deed dated 31.03.2024 executed by respondent No.2/ defendant No.1 in favour of the petitioner/ defendant No.2 is null and void, along with a prayer for permanent injunction, claiming title and continuous possession over the suit land on the basis of a registered sale deed dated 28.03.2003. The Plaintiff's application for temporary injunction under Order 39 Rules 1 and 2 CPC was rejected by the learned District Judge, which led to filing of a Miscellaneous Appeal before this Court. The said appeal was, however, disposed of at the admission stage without issuance of notice to the parties, vide judgment dated 06.11.2025.
3. Learned counsel for the review petitioner submits that the observation made by this Court while deciding the miscellaneous appeal, to the effect that "during the pendency of the lis, no party has a right to alienate the subject property," goes beyond the settled legal position under Section 52 of the TP Act. He submits that Section 52 applies automatically and does not place a bar on



alienation or development of the property, but only makes such transactions subject to the final decision of the suit. He further submits that the said observation may be misinterpreted as an implied stay in favour of respondent No.1/Plaintiff, even though the appeal was not intended to be allowed, and the petitioner/defendant No.2 was not given an opportunity of hearing. Hence, the present review has been filed seeking modification of the order so that it remains in consonance with Section 52 of the TP Act and the principles of natural justice.

4. Learned counsel for the respondent No.1/plaintiff submits that the observations made by this Court in the judgment dated 06.11.2025 are correct and in accordance with law. He submits that Section 52 of the TP Act bars any alienation of the suit property during the pendency of the suit to protect the rights of the plaintiff, who is in continuous possession and has a registered title. Learned counsel further submits that no prejudice has been caused to the petitioner/defendant No.2, and there is no ground for review of the aforesaid judgment.
5. I have heard learned counsel for the parties and perused the record with utmost circumspection.
6. Bare perusal of the judgment dated 06/11/2025, which is sought to be reviewed herein, it is apparent that this Court had disposed of the said appeal with the observation that the parties shall abide by the terms of the statutory provision of Section 52 to Transfer of Property Act. For the sake of convenience, the relevant part of the judgment dated 06/11/2025 is read as follows ;



3. Admittedly, there is a statutory bar in terms of Section 52 of the Transfer of Property Act, 1882 (for short "the TP Act, 1882").

4. For the sake of brevity, Section 52 of the TP Act, 1882, is reproduced hereunder:

*"52. Transfer of property pending suit relating thereto. During the pendency in any Court having authority within the limits of India excluding the State of Jammu and Kashmir or established beyond such limits by the Central Government [***] of any suit or proceeding which is not collusive and in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose."*

5. From reading of the aforesaid statutory provision, it is explicit that during the pendency of the lis, no party has a right to alienate the subject property. This is intended to avoid multiplicity of the suits and to protect the rights of other party, therefore, it is directed that the parties shall abide by the terms of the aforesaid statutory provision.

6. With the aforesaid observation and modification in the impugned order, the present Appeal stands disposed of.

7. The concerned Court is also directed to expedite the Civil Suit No.1-A/2025.

7. While disposing of the said appeal, which is under review, by



quoting the provisions of Section 52 of the TP Act, this Court at Para 5 mention that “no party has a right to alienate the subject property”, however, the entire provision has not been described and hence, Para 5 of the judgment dated 06/11/2025 is hereby recalled. Now the same be read as under :-

“5. From reading of the aforesaid statutory provision, it is explicit that during the pendency of any suit or proceeding which is not collusive and in which any right to immoveable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose. This is intended to avoid multiplicity of the suits and to protect the rights of other party, therefore, it is directed that the parties shall abide by the terms of the aforesaid provision.

8. The remaining contents of the judgment dated 06/11/2025 passed in MA No. 215/2025 shall remain unaltered.
9. Accordingly, the present Review Petition is disposed of.
10. A copy of this order be tagged with the copy of judgment dated 06/11/2025 passed by this Court in MA No. 215/2025.

Sd/-
(BIBHU DATTA GURU)
JUDGE