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HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 136 of 2026

Indian Red Cross Society District Branch Bilaspur Through Secretary Indian Red Cross Society Cum Chief Medical And Health Officer Bilaspur, Tahsil And District- Bilaspur (C.G.) (Defendant)

... Applicant.

Versus

Vijay Kumar Gandhi S/o- Late Darshan Lal Gandhi, Aged About 58 Years R/o- Near Bank Of India, Dayalband Bilaspur, Tahsil And District- Bilaspur (C.G.) Address Of Business Place- Santoshi Jewelers, Marwadi Line, Sadar Bazar Bilaspur, Tahsil And District- Bilaspur (C.G.) (Plaintiff)

... Respondent.

(cause title downloaded from CIS Periphery)

For Applicant	:	Mr. Ratnesh Kumar Agrawal, Advocate.
For Respondent	:	-

(Hon’ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

19/06/2026

1. This revision has been preferred against the order dated 13.02.2026 passed by the Seventh District Judge, Bilaspur, District Bilaspur in Civil Suit No. 82-A/2024 (Vijay Kumar Gandhi Vs. Indian Red Cross Society), whereby the application under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC) filed by the defendant (applicant herein) has been rejected.

2. The respondent/plaintiff has filed the aforesaid civil suit for declaration of title and permanent injunction in respect of the suit property (shop), claiming his adverse possessory title.
3. In the civil suit, the applicant/defendant has filed an application under Order 7 Rule 11 CPC (Annexure-P/4) on the ground that earlier the Civil Suit was filed by the respondent/plaintiff bearing Civil Suit No. 73A/2005 before the Second Civil Judge, Class-1, Bilaspur, whereby vide judgment dated 21.04.2010 it has been clearly held that respondent Vijay Kumar Gandhi is a tenant of the applicant Indian Red Cross Society (henceforth the "applicant Society"). After the aforesaid decision, the applicant filed an application for eviction before the Rent Control Authority, Bilaspur bearing Case No. 12/A-90(7)/2023-2024 against respondent Vijay Kumar Gandhi. In the said case, the present respondent has filed an application under Order 7 Rule 11 CPC which was rejected by the Rent Control Authority vide order dated 01.05.2024. That order has also been upheld by the Chhattisgarh Rent Control Tribunal Raipur in Misc. Appeal No. 18/2024 on 06.11.2024, and the same was again upheld by the High Court in Writ Petition (C) No. 1096/2025, whereby on 27.02.2025 the writ petition was dismissed.
4. The trial Court, after providing a due opportunity of hearing to both the parties, rejected the application filed by the applicant/defendant, which has been assailed in the instant revision.
5. Learned counsel for the applicant submits that earlier, vide judgment dated 21.04.2010 passed by the Second Civil Judge, Class-1, Bilaspur in Civil Suit No. 73A/2005, the learned Civil Court has already held the applicant Society to be the owner of the suit property and respondent Vijay Kumar Gandhi to be a tenant, therefore, the eviction application has been filed by the

applicant herein against the respondent. In such circumstances, the civil suit filed by the plaintiff is barred by law. In support of his contention, he also referred to Section 9 of the Chhattisgarh Rent Control Act, 2011 (in brevity "Act 2011"). In view of such submission, he prays to set aside the impugned order and to allow the instant revision.

6. Heard learned counsel for the applicant and perused the documents placed with the revision petition.
7. The Chhattisgarh Rent Control Act, 2011 has been enacted to resolve tenancy disputes between the landlord and the tenant. The rights and obligations of Landlords and Tenants have been provided in Section 12 of the Act 2011, which specifically says that under this Act, only issues pertaining to landlord and tenant disputes can be decided. Thus, the Rent Control Authority cannot decide a dispute of title between the parties. The above legal position is also provided in the explanation clause of Section 6 of the Act 2011.
8. In the case at hand, the subject civil suit has been filed by the respondent/plaintiff for declaration of title on the basis of the principle of adverse possession, which cannot be decided by the Rent Control Tribunal, therefore, the mere pendency of the said application for eviction or the rejection of the application filed by the respondent under Order 7 Rule 11 CPC by the Rent Control Tribunal, which was subsequently upheld by the High Court, does not bar the respondent from filing a civil suit. Further, in the application (Annexure-P/4) filed by the applicant/defendant, except for the grounds related to Act 2011, there is no other legal ground to substantiate the contention that the subject civil suit is barred by law. Though in Civil Suit No.73A/2005 it has been held by the trial Court, as

contended by the learned counsel for the applicant, that respondent Vijay Kumar Gandhi is a tenant of the applicant Society. Meaning thereby, the applicant Society has been held to be the owner of the subject suit property, but no ground has been taken in the application itself as to how, on the aforesaid ground, the civil suit is barred by law.

9. In view of the aforesaid discussion, this Court does not find any substantial ground to interfere with the impugned order. Hence, the impugned order is upheld.
10. Accordingly, the revision is rejected at the admission stage itself.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay