



CGHC010273632026



2026:CGHC:30393

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 163 of 2026

Bhagwan Das Modi S/o Late Dwarika Das Modi, Aged About 75 Years
R/o Agrasen Chowk, Main Road, Korba, Tahsil And District Korba
Chhattisgarh

... Applicant/Defendant No.1

versus

1 - Pawan Kumar Sharma S/o Late Gokulchand Sharma, Aged About
57 Years R/o Agrasen Chowk, Main Road, Korba, Tahsil And District
Korba Chhattisgarh. (Plaintiff)

2 - State Of Chhattisgarh Through Collector, Korba, District Korba
Chhattisgarh (Defendant No. 2)

... Respondents

For Applicant : Mr. Abhinav Dubey, Advocate.

For Respondent No.2/State : Mr. Siddharth Sharma, Panel Lawyer

Hon'ble Shri Justice Naresh Kumar Chandravanshi, J

Order on Board

(17th July, 2026)

This revision under Section 115 of Code of Civil Procedure (in
short "CPC") has been preferred by the applicant/defendant No.1

challenging the order dated 15.4.2026 (Annexure A-1) passed by Civil Judge, Sr. Division, Korba in Civil Suit No.A/28/2023 whereby the application under Order VII Rule 11(d) of CPC filed by the applicant/defendant No.1 has been rejected.

02. Facts of the case, in brief, are that the applicant/defendant No.1 filed an application under Section 10 of the CG Rent Control Act, 2011 (for brevity "the Act, 2011") before the Rent Control Authority, Korba against the respondent No.1/plaintiff with the averment that he is the landlord/owner of the shop situated at Agrasen Chowk, Main Road, Korba on land bearing Khasra No.732/9; respondent No.1/plaintiff and his predecessors have been occupying the said shop as tenants and rent was being periodically paid to the applicant. However, owing to bonafide requirement of the said shop and default committed by respondent No.1/plaintiff in payment of monthly rent, he needs the said shop for residential purpose of his family and himself. Thereafter, respondent No.1/plaintiff raised a preliminary objection in the said matter whereby he denied relationship of landlord and tenant on the ground that there is no written tenancy agreement between the parties as required u/s 4 of the Act, 2011 and also raised a false plea of his ownership on the basis of adverse possession. Learned Rent Control Authority, Korba rejected the said preliminary objection vide order dated 1.2.2024 (Annexure A-4) and recorded a finding regarding existence of landlord-tenant relationship between the parties in respect

of the suit shop.

03. Aggrieved by the order dated 1.2.2024, the respondent No.1/plaintiff preferred an appeal before the CG Rent Control Tribunal, Raipur which is till date pending. However, during pendency of the said appeal, respondent No.1/plaintiff filed a civil suit for declaration of his title and permanent injunction over the disputed shop against the applicant/defendant No.1 on the ground that he has perfected his title over the suit shop based on adverse possession. After his appearance, the applicant/defendant No.1 filed an application under Order VII Rule 11(d) of CPC on the ground that tenancy dispute has already been raised by him before the Rent Control Authority, Korba, which is pending consideration as Case No.202302050100008/A-90/2022-23 in which the Rent Control Authority has observed that earlier father of respondent No.1/plaintiff namely Late Gokul Chand Sharma had taken the suit shop on rent from the father of applicant/defendant No.1 namely Late Dwarika Das Modi and after the death of Gokul Chand Sharma, his son (respondent No.1/plaintiff) is running the suit shop, as such, there is landlord-tenant relationship between the applicant/defendant No.1 and respondent No.1/plaintiff. Therefore, the applicant/defendant No.1 prayed for dismissal of the suit as barred by law. Learned trial Court dismissed the application of the applicant/defendant No.1 on the ground that there is no rent agreement executed between the parties as per Section 4 of the Act, 2011. Hence this revision.

04. Learned counsel for the applicant/defendant No.1 would submit that even if agreement has not been executed between the parties, despite that the right of landlord cannot be denied by the tenant. He submits that the Rent Control Authority, Korba in its order dated 1.2.2024 recorded a categorical finding regarding existence of landlord-tenant relationship between the parties in respect of the suit shop, therefore, jurisdiction of ordinary civil Court stands barred by law. Learned trial Court committed an illegality in holding that in absence of written rent agreement, the applicant/defendant No.1 is not entitled to raise objection regarding maintainability of the suit filed by respondent No.1/plaintiff because Section 4 of the Act, 2011 itself contemplates situations where tenancy exists even in absence of formal written agreement. He further submits that the respondent No.1/plaintiff cannot be permitted to circumvent the statutory mechanism provided under the Act, 2011 by instituting a civil suit seeking declaration of title and permanent injunction against the pending eviction proceedings before the Rent Control Authority. He, therefore prays that the impugned order dated 15.4.2026 passed in Civil Suit No.A/28/2023 may be set aside; the application filed by the applicant/defendant No.1 under Order VII Rule 11(d) of CPC be allowed and the civil suit filed by the respondent No.1/plaintiff be dismissed.

05. Learned counsel appearing for the State submits that it is only a formal party in this case. However, he has duly assisted the Court.

06. Heard learned counsel for the parties the perused the material available on record.

07. It is evident from perusal of the material available on record that landlord-tenant dispute between the applicant/defendant No.1 and respondent No.1/plaintiff is pending consideration before the Rent Control Authority, Korba. In its order dated 1.2.2024, the Rent Control Authority has observed that respondent No.1/plaintiff is tenant of applicant/defendant No.1 since the lifetime of father of defendant No.1 but respondent No.1/plaintiff has filed the instant civil suit seeking adverse possessory title and permanent injunction.

08. CG Rent Control Act, 2011 has been enacted to promote the leasing of residential and commercial accommodations by fairly balancing the interests of both landlords and tenants. It establishes a structured legal framework to regulate rent and adjudicate disputes through designated Rent Controllers and a Rent Control Tribunal. Section 2(5) of the Act, 2011 defines "Landlord" as a person who for the time being is receiving or is entitled to receive, the rent of any accommodation, whether on his own account or on account of or on behalf of or for the benefit of any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or to be entitled to receive the rent, if the accommodation were let to a tenant. In the aforesaid definition, owner of the land has not been contemplated.

09. Section 9(1) of the Act, 2011 deals with power and functions of Rent Controller, which reads as under:

“9. Power and functions of Rent Controller – (1) The Rent Controller shall exercise such powers, perform such functions and discharge such responsibilities within its territorial jurisdiction, as the Government may by notification vest in him, which shall include the following: -

- (a) Reconciling dispute(s) between landlord and tenant.
- (b) Securing the rights of landlords and tenants as available to them under this Act.
- (c) Enforcing the obligations enjoyed upon landlords and tenants under this Act.”

10. Perusal of the aforesaid provision explicitly shows that the Rent Control Authority is not competent to decide the civil dispute in respect of the suit property between the parties, rather it has power to decide only landlord-tenant dispute. Therefore, even if such dispute is pending before the Rent Control Authority, Korba, the Act, 2011 does not bar jurisdiction of the civil Court to decide the civil suit filed by the respondent No.1/plaintiff in respect of the disputed shop. It is a well-settled principle of law that disputes pertaining to title, possession, permanent injunction, and other civil rights in respect of the suit property fall within the exclusive jurisdiction of the competent Civil Court. In the instant case, as has been stated in the preceding paragraphs, a civil suit has been filed by respondent No.1/plaintiff claiming his adverse possessory title and permanent injunction,

therefore, such dispute can be decided only by the civil Court.

11. On the basis of aforesaid discussions, this Court finds no perversity or illegality in the impugned order dated 15.4.2026 passed by the learned trial Court rejecting the application under Order VII Rule 11(d) of CPC filed by the applicant/defendant No.1. Accordingly, the present revision being devoid of any substance is hereby dismissed.

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**Sd/
(Naresh Kumar Chandravanshi)
Judge**

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