



CGHC010357552026



2026:CGHC:40949

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 209 of 2026

1. Raj Kumar Verma S/o Late Inder Singh Verma, Aged About 60 Years
R/o Sharma Lane, Kotra Road, Baikunthpur, Tehsil And District Raigarh
(C.G.)..... Defendant No. 01
2. Madanmohan Verma, S/o Late Inder Singh Verma, Aged About 66 Years
R/o Sharma Lane, Kotra Road, Baikunthpur, Tehsil And District Raigarh
(C.G.)..... (Defendant No. 02)

... Applicants

versus

1. Pradeep Verma S/o Late Inder Sing Verma, Aged About 62 Years
(Wrongly Typed As Late Inder Singh Sharma), R/o Sharma Colony
Baikunthpur, Tehsil And District Raigarh (C.G.) (Plaintiff)
2. Tehsildar, Tehsil Office, Tehsil And District Raigarh (C.G.) (Defendant
No. 03)
3. Sub-Divisional Officer, Tehsil Office, Tehsil And District Raigarh
(C.G.) (Defendant No. 04)
4. State of Chhattisgarh, Through Collector-Raigarh Tehsil Office, Tehsil
And District Raigarh (C.G.) (Defendant No. 05)

... Respondents

For Applicants	: Ms. Shivangi Agrawal, Advocate
For State	: Mr. Deepak Singh, Panel Lawyer.

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

21.09.2026

1. This civil revision under Section 115 of the Code of Civil Procedure,
1908, has been filed by the applicants/defendants (hereinafter referred to

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as the “applicants”), being aggrieved by the order dated 20.07.2026 passed by the II Additional Judge to I Civil Judge, Senior Division, Raigarh, District – Raigarh (C.G.), in Civil Suit No. 8-A/2026, whereby the application preferred by the applicants under Order VII Rule 11 of the Code of Civil Procedure for rejection of the plaint has been rejected.

2. Learned counsel for the applicants submits that respondent No. 1/plaintiff has filed a civil suit for declaration of his title in respect of the suit property on the basis of the order dated 31.10.2018 passed in Revenue Case No. 26/A-27/2016-17. She further submits that a prayer has also been made for declaring the demarcation proceedings in respect of the suit property as null and void. It has further been prayed for declaration of possession and grant of permanent injunction. She submits that the applicants are defendant Nos. 1 and 2 and, after service of notice, they filed an application under Order VII Rule 11 of the Code of Civil Procedure seeking rejection of the plaint on the ground that the suit is barred by law as well as by limitation. It was contended that the reliefs sought by the plaintiff are barred under Section 257(f),(g) of the Chhattisgarh Land Revenue Code, 1959. According to the learned counsel, any claim relating to an entry made in the land records, or omission or amendment of such entry, falls within the exclusive jurisdiction of the Revenue Court under Section 257(f) of the Chhattisgarh Land Revenue Code, 1959. It was further contended that the question relating to demarcation of boundaries or fixing of boundary marks also falls within the exclusive jurisdiction of the revenue authorities under Section 257(g) of the Chhattisgarh Land Revenue Code, 1959. She further submits that the plaintiff instituted the suit after a lapse of eight years from the order dated 31.10.2018 and, therefore, the suit is barred by limitation. Thus, according to the learned counsel, the learned

Trial Court has committed a grave error in entertaining the suit and in rejecting the application filed under Order VII Rule 11 of the Code of Civil Procedure.

3. On the other hand, learned State counsel opposes the prayer and submissions made by learned counsel for the applicants.
4. I have heard learned counsel for the parties and perused the documents appended thereto.
5. It transpires that, while deciding the civil suit preferred by respondent No. 1, the learned Trial Court has considered the settled principle of law that, in order to decide an application under Order VII Rule 11 of the CPC, the averments made in the plaint are required to be considered. The learned Trial Court, while deciding the application, relied upon the judgment of the Hon'ble Supreme Court in the case of ***Chhotanben v. Kiritbhai Jalkrushnabhai Thakkar, (2018) 6 SCC 422***, holding that when a suit does not appear to be ex-facie barred by limitation, the question of limitation constitutes a mixed question of fact and law and is required to be adjudicated during the course of trial on the basis of evidence. The learned trial Court has also stated that, upon consideration of the entire circumstances of the case, it does not prima-facie appear that the suit is expressly barred under Section 257(f) or 257(g) of the Chhattisgarh Land Revenue Code, 1959, nor does it appear that the suit is ex-facie barred by limitation. The objections raised by the applicants involve mixed questions of fact and law, which can be finally adjudicated only after both parties have led their respective evidence.
6. In the facts and circumstances of the case, this Court does not find any illegality, perversity or jurisdictional error in the order dated 20.07.2026

passed by the learned Trial Court, warranting interference under Section 115 of the CPC.

7. Accordingly, the instant civil revision, being devoid of merit, is dismissed.

Sd/-
(Sachin Singh Rajput)
Judge

Abhishek