



CGHC010369182026



2026:CGHC:41490

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CR No. 215 of 2026**

1 - Abdul Wahid Khan S/o Late Balayat Khan Aged About 88 Years R/o Lakhanpur (Wrongly Mentioned As Juna Lakhanpur), Thana And Tahsil Lakhanpur, District Surguja Chhattisgarh

... Applicant (s)**versus**

1 - Rafeeq Mohammad S/o Late Sher Mohammad Aged About 65 Years R/o Village - Lakhanpur, Thana And Tahsil Lakhanpur, District Surguja Chhattisgarh

2 - Shafeeq Mohammad S/o Late Sher Mohammad Aged About 62 Years R/o Village - Lakhanpur, Thana And Tahsil Lakhanpur, District Surguja Chhattisgarh

3 - Nasir Mohammad S/o Late Sher Mohammad Aged About 58 Years R/o Village - Lakhanpur, Thana And Tahsil Lakhanpur, District Surguja Chhattisgarh

4 - State Of Chhattisgarh Through The Collector, District Surguja Ambikapur Chhattisgarh

... Respondent(s)

For Applicant (s) : Shri Hari Agrawal, Advocate

For Respondent/State : Shri Anand Gupta, Dy.G.A.

({Hon'ble Shri Justice Sachin Singh Rajput})**Order on Board****24/09/2026**

This civil revision has been filed aggrieved by order dated 29/07/2026 passed by the Additional Judge to the 1st Civil Judge senior division, Ambikapur, District – Surguja (CG) in civil suit No.73A/2022. By the impugned order, learned

Civil Judge dismissed the application of the applicant under Order 7 Rule 11 CPC for rejection of the plaint filed by the respondents 1 to 3.

2. Learned counsel for the applicant submits that a civil suit for declaration of title on the suit property and cancellation of sale deed dated 09/05/1977 executed by one Husna Bibi in favour of defendant No.1 for cancellation of sale deed and seeking permanent injunction not to disturb the peaceful possession was filed by respondents 1 to 3. Learned counsel further submits that the sale deed was executed by the said Husna Bibi in favour of the applicant. She has died, however, her legal representatives have not been arrayed as party in the civil suit and in the light of judgment passed by the Hon'ble Supreme Court in the case of **B. Santoshamma v. D. Sarala, (2020) 19 SCC 80**, they are necessary party. By the impugned order, he submits that the application under Order 7 Rule 11 CPC was rejected, hence, application under Order 7 Rule 10 CPC for rejection of plaint was filed. He further submits that an observation has been made by the learned trial Court that respondents 1 to 3/plaintiffs has entered into compromise with the legal representatives of deceased-Husna Bibi, thus, they are not necessary party. This observation would affect the merits of this case and thus, this civil revision has been filed assailing the impugned order.

3. Heard learned counsel for the applicant.

4. The suit was filed in the year 2022. From the documents on record, it appears that the suit was proceeded ahead, pending for a long period of time and it appears to be at a mature stage. The application under Order 7 Rule 11 of CPC was filed after a considerable period of delay. Even otherwise, the grounds which have been raised in the application under Order 7 Rule 11 CPC could be agitated by the applicant before the learned trial Court as non-joinder of the parties by making prayer with regard to framing of additional issue. Thus, this Court does not find any good ground to entertain this revision. Accordingly, this civil revision is dismissed.

Sd/-

(Sachin Singh Rajput)

JUDGE

Deepti

