

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 474 of 2006**

Sonvati wife of Shri Ramdayal Halba, aged about 50 years, R/o village-Dhaneli Kanhar
Tahsil and District Kanker (C.G.)

---- Appellant**Versus**

1. Dularibai wife Mansingh Halba, aged about 47 yers, R/o Dhaneli Kanhar Tahsil and District Kanker District Kanker (C.G.)
2. State of Chhattisgarh, through : Collector Kanker District Kanker (C.G.)

---- Respondents

For Appellant	:	Shri Prakash Tiwari, Advocate
For Respondent No.1	:	Shri Vishnu Koshta, Advocate
For Respondent No.2/ State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Navin Sinha, Acting Chief Justice**Order On Board****20/03/2015**

1. Heard counsel for the Appellant and Respondent Nos. 1 and 2.
2. Learned counsel for the Appellant submits that Civil Appeal 9-A of 2005 was wrongly dismissed by the First Additional Sessions Judge, Kanker, on the ground that the Suit was barred by limitation, having been filed three years after knowledge of the order passed by the Revenue Authorities. He submits that the Suit had been filed for declaration of title and possession, for which the limitation was 12 years under Article 65 of the Limitation Act.
3. The order of a Revenue Authority is limited with regard to payment of rent and may be relevant for purposes of possession only. It has nothing to do with the issue of title and therefore dismissal of the appeal on the ground of limitation was bad.

4. Learned counsel for Respondent No.1 submitted that the Civil Judge, Class-I dismissed Title Suit No. 85-A of 2001 not only on the ground of limitation but by a reasoned discussion that the suit had not been preferred *bonafide*, the pleadings were inadequate, suffered from suppression of facts and absence of necessary parties, was also barred by *res judicata* and hit by limitation.

5. Having considered the submissions on behalf of the parties and the discussions contained in the order of Title Suit No. 85-A of 2001 holding that the suit suffered from severe defect of necessary parties, inadequate pleadings, suppression of facts and also *res judicata*, the issue for limitation becomes insignificant to warrant any interference on that limited ground in a Second Appeal.

6. There is no substantial question of law arising for consideration. The second appeal is dismissed.

ACTING CHIEF JUSTICE