

**HIGH COURT OF CHHATTISGARH AT BILASPUR****Second Appeal No. 82 of 2009**

Kemli Bai, Aged 48 years, W/o Shri Jagrakhan, Agriculturist, R/o  
Gram Ghatai, Tahsil Bharatpur, Distt. Korea, Chhattisgarh.

**---Appellant/Plaintiff**

**Versus**

1. Brijendra Nath S/o Shri Sitaram Kashi, Aged 40 years.
2. Birendra Kumar S/o Shri Ramkrishna Kashi, R/o Gram Ghatai, Tahsil Bharatpur, Distt. Korea, Chhattisgarh.
3. State of Chhattisgarh, Through the Collector, Distt. Korea, Chhattisgarh.

**---- Respondents/Defendants**

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| For Appellant | : | Mr. Anurag Dayal Shrivastava, Advocate |
| For State     | : | Mr. Akash Pandey, Panel Lawyer         |

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**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order on Board**

**09/09/2019**

1. Heard on admission and formulation of substantial question of law for determination in this second appeal preferred by the plaintiff.
2. Mr. Anurag Dayal Shrivastava, learned counsel appearing for the plaintiff/appellant herein would submit that both the Courts have concurrently erred in dismissing the suit of the plaintiff holding it to be barred by limitation.
3. Plaintiff filed a suit for declaration of title and permanent injunction alleging that the sale deed dated 22/06/1974 executed by her

husband i.e. Jagrakhan in favour of defendants No. 1 and 2 is null and void.

4. Both the Courts below have concurrently held that the civil suit could have been brought by the plaintiff within 3 years from the date when they came to know about the said sale deed as per Article 58 of Indian Limitation Act, 1963.
5. In paragraph 38, plaintiff (P.W. 1) herself has clearly admitted that she came to know about the said sale deed after 6 to 7 years of execution of that deed, thus, she was aware of the execution of the sale deed dated 22/06/1974 executed by Jagrakhan in favour of defendants No. 1 and 2 in the year 1980 or 1981, but she filed the civil suit on 17/01/1986, which exceeds the period of limitation as provided in Article 58 of Indian Limitation Act, 1963, as such, both the Courts below have rightly concluded that the civil suit filed by the plaintiff is barred by limitation by recording a finding which is neither perverse nor contrary to record. As such, this second appeal involves no substantial question of law for determination.
6. The second appeal deserves to be and is accordingly dismissed *in limine* without notice to the other side. No cost(s).

**Sd/-**  
**(Sanjay K. Agrawal)**  
**Judge**