

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWP227 No. 494 of 2019

- Darshan Kaur Bhatia W/o Late Trilok Singh Bhatiya Aged About 80 Years R/o Jawaharpara Balod, District Balod Chhattisgarh.

---- Petitioner

Versus

1. Ramesh Gandhi S/o Late Girdhari Lal Gandhi Aged About 74 Years Through Power of Attorney Holder Yogesh S/o Late Nareshchand Gandhi, Aged About 34 Years, R/o Kamthi Line, Azad Chowk, District Rajnandgaon Chhattisgarh.
2. State of Chhattisgarh Through The Collector, Balod Chhattisgarh.

---- Respondents

For Petitioner	:-	Shri Rajkumar Pali, Advocate
For Respondent-State	:-	Shri Apurva Goyal, PL

Order On Board ByHon'ble Justice Shri Prashant Kumar Mishra26/06/2019

1. The trial Court has dismissed petitioner's/plaintiff's application under Order 1 Rule 10 and under Order 7 Rule 14(3) C.P.C.
2. Plaintiff has filed suit for declaration of title on the basis of adverse possession as also for permanent injunction. During pendency of the suit the recorded owner i.e. Defendant No.1 has sold the property to a person who is sought to be

impleaded by the plaintiff under Order 1 Rule 10 C.P.C. In the second application plaintiff wants to introduce sale deed executed by Defendant No.1 in favour of the person who is sought to be impleaded.

3. Plaintiff's claim for declaration of title is against the true owner i.e., Defendant No.1. It is not a case where the plaintiff is claiming title against the person who has purchased the property. The trial Court has referred to a previous order of the High Court expressing doubt on maintainability of suit for declaration of title on the basis of adverse possession.
4. Considering the entire facts and situation of the case, the trial Court does not appear to have committed any manifest error of law or error of jurisdiction, therefore, this application under Article 227 of the Constitution of India has no substance.
5. Accordingly, the petition is dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Ankit