

HIGH COURT OF CHHATTISGARH, BILASPUR

SA No.177 of 2010

- Jagdish, S/o Vipat, Aged About 52 Years, Occupation-Agriculture, R/o Village Tetardeeh, Police Station Ramanujganj, District Surguja, Chhattisgarh

----- Appellant

Versus

1. Ramvilas (Died) Through Lrs. As Per Hon'ble Court Order Dated 25-01-2021

1(A) Jokhan Singh, S/o Late Ramvilas Khairwar, Aged About 55 Years

1(B) Jagan Singh, S/o Late Ramvilas Kahirwar, Aged About 52 Years

1(C) Kharidan Singh, S/o Late Ramvilas Khairwar, Aged About 49 Years

All R/o Village Tetardeeh, Police Station Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh

2. The Sub Divisional Officer (Revenue), Ramanujganj, District Surguja, Chhattisgarh
3. The Tahsildar, Ramanujganj, District Surguja, Chhattisgarh
4. State Of Chhattisgarh, through the Collector Ambikapur, District Surguja, Chhattisgarh
5. Sumitra Devi, W/o Manijar Singh, Aged About 50 Years, R/o Village Janeva, Police Station Bhandariya, District Garhwa (Jharkhand)
6. Panbarshi, W/o Gudeshwar Singh, Aged About 45 Years, R/o Village Tetardeeh, Police Station Ramanujganj, Tahsil Pal, District Surguja, Chhattisgarh

----- Respondents

For Appellant	Mr. V. K. Pandey, Advocate
For Respondent-State	Mr. Vinod Tekam, PL
For Respondent No.1	Ms. Parwati Suryawanshi, Advocate on behalf of Mr. Bhupendra Singh, Advocate

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

08/02/2021

1. Heard on admission and formulation of substantial question of law in this second appeal preferred by the appellant/plaintiff, whereby the First Appellate Court has dismissed the appeal preferred by the appellant/plaintiff vide judgment and decree dated 24.06.2010 passed by the learned Additional District Judge (FTC) Ramanujganj, District Surguja (C.G.) in Civil Appeal No.34A/2008 affirming the judgment and decree of the Trial Court dated 12.09.2008 passed by the learned Civil Judge Class-I, Ramanujganj, District Surguja (C.G.) in Civil Suit No.8-A/2007 dismissing the suit filed by the appellant/plaintiff.

2. Mr. Pandey, learned counsel for the appellant/plaintiff, would submit that both the Courts below have grossly erred in holding that the suit was barred by limitation by recording a finding perverse to the record and the appeal deserves to be admitted by formulating substantial question of law.
3. In the second round of revenue proceedings, the SDO (Revenue) by order dated 15.01.1986 in exercise of powers under Section 170-B of the Chhattisgarh Land Revenue Code, 1959 directed the suit land to be returned to defendant No.1 herein.
4. The order dated 15.01.1986 passed by the SDO (Revenue) was not challenged in revision and only on 05.05.2007, the plaintiff filed the instant civil suit for declaring that the order of the SDO (Revenue) passed on 15.01.1986 is without jurisdiction and without authority of law, that has been dismissed by the Trial Court holding that it could have been brought within 3 years from the date of passing of the order of the SDO (Revenue) as provided in Article 58 of the Indian

Limitation Act, 1963 and the judgment and decree of the Trial Court has also been affirmed by the First Appellate Court.

5. The finding recorded by both the Courts below that the plaintiff's suit is barred by limitation is correct. The order dated 15.01.1986 passed by the SDO (Revenue) could have been challenged by the plaintiff within 3 years from the date of passing of the order of the SDO (Revenue) under Article 58 of the Indian Limitation Act, 1963, but the civil suit was filed after 21 years from the date of passing of the order of the SDO (Revenue), which is apparently barred by limitation, as such there is no perversity in the judgment and decree passed by two Courts below.

6. I do not find any substantial question of law involved in this second appeal so filed by the appellant/plaintiff. It deserves to be and is hereby dismissed in *limine* without notice to the other side. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge