CGHC010070112026 2026:CGHC:45403

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 258 of 2026

1 - Ghasia Ram S/o Late Kunjram, Aged About 72 Years R/o Village- Kunjemura, Tah. And P.S. Tamnar Distt. Raigarh C.G.

... Petitioner(s)

versus

1 - Karam Singh S/o Shri Ghasia Ram, Aged About 52 Years R/o Village- Kunjemura, Tah. And P.S. Tamnar Distt. Raigarh C.G.

2 - Shyam Sundar S/o Shri Ghasia Ram, Aged About 48 Years R/o Village- Kunjemura, Tah. And P.S. Tamnar Distt. Raigarh C.G.

3 - Sarita D/o Shri Ghasia Ram, Aged About 49 Years W/o Shri Shiv Kumar Sidar, R/o Village Kerju, Tah. And P.S. Kansabel, Distt. Jashpur C.G.

4 - Tikam Singh, S/o Shri Munuram, Aged About 52 Years R/o Village Samkera, Tah. And P.S. Tamnar Distt. Raigarh C.G.

5 - State Of Chhattisgarh Through Collector, Raigarh Distt. Raigarh C.G.

... Respondent(s)

For Petitioner(s)	:	Mr.Manoj Kumar Sinha, Advocate
For Respondent No.1 & 2	:	None present.
For Respondent No.3	:	Mr.R.S.Patel, Advocate assisted by Mr. Naveen Singh,Advocate
For Respondent No.5/State	:	Mr. Rajkumar Sahu, PL

(Hon'ble Mr. Justice Ravindra Kumar Agrawal)

Order on Board

27/10/2026

The present petition has been preferred by the petitioner under Article 227 of the Constitution of India, assailing the order dated 19.09.2024 passed by the learned Additional Judge to the Court of First Civil Judge, Junior Division, Gharghoda, District Raigarh, in Civil Suit No. 40-A/2024, whereby the application preferred by defendant No. 2 under Section 151 of the Code of Civil Procedure, 1908 (for short, "the CPC") has been allowed and the partition proceedings pending before the Tahsildar, Tamnar, have been stayed till adjudication of the title dispute between the parties.

2. Learned counsel appearing for the petitioner submits that the learned trial Court has exceeded its jurisdiction in staying the partition proceedings pending before the Tahsildar. It is submitted that the application preferred by the plaintiff under Order 39 Rules 1 and 2 of the CPC already stands dismissed by the learned trial Court; nevertheless, the Court has proceeded to stay the partition proceedings in exercise of its inherent powers under Section 151 of the CPC. It is further submitted that defendant No. 2 has no independent right or interest in

the suit property so as to maintain an application seeking stay of the partition proceedings, particularly when the dispute pertaining to title is essentially between the plaintiff and defendant No.1.The impugned order has the effect of frustrating the rights of the parties and unnecessarily prolonging the proceedings and therefore the impugned order be set aside and the Tahsildar,Tamnar, be permitted to proceed with the partition proceedings initiated at the instance of defendant No. 1.

3. On the other hand, learned counsel appearing for respondent No. 3 opposes the submissions advanced on behalf of the petitioner and supports the impugned order. It is submitted that the learned trial Court has rightly stayed the partition proceedings pending before the Tahsildar in order to avoid complications arising out of the dispute between the parties. Had the partition proceedings been allowed to continue, the properties might have been partitioned before adjudication of the subsisting title dispute, thereby giving rise to further complications and multiplicity of proceedings. It is, therefore submitted that the impugned order does not warrant interference in exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

4. I have heard learned counsel for the parties and perused the documents annexed with the petition and perused the order passed by the trial court.

5. The present is a petition against the order passed by the learned

trial Court, whereby the partition proceedings in respect of the suit property pending before the Tahsildar, Tamnar, have been stayed until the final adjudication of the dispute relating to title between the parties. It is apparent that a dispute with regard to the title over the suit property is pending adjudication before the competent civil Court, while partition proceedings in respect of the same property are pending before the Tahsildar, Tamnar. Permitting both proceedings to continue simultaneously may give rise to complications and may also result in conflicting orders being passed by the civil Court and the revenue authority. Furthermore, the proviso to sub-section (1) of Section 178 of the Chhattisgarh Land Revenue Code, 1959, contemplates a stay of the partition proceedings by the Tahsildar for a period of three months where a question of title is raised, so as to facilitate the institution of a civil suit for adjudication of such question. The statutory scheme thus recognizes the necessity of having a disputed question of title adjudicated by the competent civil Court.

6. In the facts of the present case, the question of title to the suit property is already *sub judice* before the civil Court. In such circumstances, allowing the partition proceedings to continue before the Tahsildar, without due regard to the pending adjudication of title, may lead to avoidable complications and prejudice the rights of the parties. The impugned order, therefore, cannot be held to be unsustainable merely on the ground that the application preferred by the plaintiff under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908, had been dismissed.

7. Upon consideration of the material available on record, including the documents annexed to the writ petition and the impugned order, this Court does not find any illegality or perversity warranting interference in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India. The writ petition accordingly fails and is hereby dismissed. However, the learned trial Court is directed to expedite the hearing of the civil suit and make every endeavour to conclude the proceedings at the earliest, in accordance with law.

8. It is expected that the parties shall extend their full cooperation in the expeditious disposal of the suit and shall refrain from seeking unnecessary adjournments.

Sd/-
(Ravindra Kumar Agrawal)
Judge

SUGUNA DUBEY
Digitally signed by SUGUNA DUBEY
Date: 2026.10.29 17:07:14 +0530