CGHC010209342026 2026:CGHC:43260-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2696 of 2026

Smt. Jasbir Kour W/o Late Awater Singh Aged About 55 Years R/o Infront Of Damodar Petrol Pump, Near Office Of Panchayat Building Jagdalpur, District- Baster (C.G.)

... Petitioner

versus

1 - Smt. Rajmata Krishna Kumari Devi Bhanjdev W/o Late Maharaja Bharatchandra Bhanjdev Aged About 65 Years R/o Rajmahal Jagdalpur, District- Baster (C.G.)

2 - Mahraja Kamalchand Bhanjdev S/o Late Maharaja Bharatchandra Bhanjdev Aged About 42 Years R/o Rajmahal Jagdalpur, District- Baster (C.G.)

... Respondents

For Petitioner	**:**	Mr. Manohar Dewangan, Adv.
For Respondents	**:**	Mr. Rajeev Shrivastava, Sr. Adv. with Mr. Malay Shrivastava and Ms. Samidha Karambelkar, Adv.

Hon'ble Mr. Krushna Ram Mohapatra, Chief Justice

Hon'ble Mr. Santosh Sharma, Judge

Order on Board

Per : Krushna Ram Mohapatra, Chief Justice

6-10-2026

1. Petitioner in this writ petition seeks to assail the order dated 13-5-2026 (Annexure P-1) passed by the CG Rent Control Tribunal, Raipur (for brevity, 'the Tribunal') in Appeal No. unregistered of 2025, whereby an application filed by the petitioner for condonation of delay in filing of the

appeal under Section 10 of the CG Rent Control Act, 2011 (for brevity 'the Act') was dismissed and thereby, the appeal was dismissed, confirming the order dated 10-2-2021 passed by the Rent Control Authority, Jagdalpur in the district of Bastar in Case No. 06/-90(7)/year 2016-17.

2. It is submitted by learned counsel for the petitioner that the petitioner is a tenant. She was residing in the demised premises at Jagdalpur owned by the respondents. A petition for eviction of the petitioner was filed by the respondents before the Rent Control Authority, Jagdalpur (for brevity, 'RCA'). The petitioner never received any notice in said proceeding before the RCA. However, the petitioner was set *ex parte and* an *ex parte* order of eviction was passed on 10-2-2021 (Annexure P-2). As the petitioner did not receive any notice in the said proceeding, she had no knowledge about the initiation of the proceeding or the order passed therein. In due course, she received an eviction warrant in respect of the demised premises on 17-5-2025. Thereafter, she made an enqury by engaging an Advocate and came to know that an order of eviction was passed on 10-2-2021 by the RCA. Immediately thereafter, she arranged documents and filed appeal before the Tribunal under Section 10 of the Act along with an application for condonation of delay. In the process, there was a delay of 4 years and 5 months, in filing the appeal. Learned Tribunal most erroneously without taking into consideration the grounds raised by the petitioner in the petition for condonation of delay, rejected the petition and thereby dismissed the appeal filed by the appellant.

Assailing the same, this writ petition has been filed. It is submitted by learned counsel for the petitioner that although, the Tribunal has referred to 4 (four) notices in the impugned order under Annexure P-1, but none of such notices were received by her. The signature in the said notices were not that of the petitioner. Learned Tribunal did not examine the same and held that in spite of receipt of repeated notices, the petitioner failed to appear before the RCA, for which, an *ex parte* order was passed. It is submitted that, the period of limitation should be reckoned from the date of knowledge of the order of eviction. But, learned Tribunal most erroneously reckoned the period of limitation from the date of passing of the *ex parte* order by the RCA i.e. 10-2-2021. He therefore, submits that the impugned order under Annexure P-1 and Annexure P-2 should be set aside and the matter should be remitted to learned RCA for fresh adjudication of the case before the learned RCA. In support of his case, he relied upon the decision of this Court in **Writ Petition (Art. 227) No. 340/2024 (Deepak Sona Vs. Amolak Singh Bhatia)** which was disposed of on 25-4-2024**.** Learned Coordinate bench of this Court in the said judgment, condoned the delay holding that a liberal approach in considering the application for condonation of delay on the ground of sufficient cause under Section 5 of the Limitation Act should be adopted and appeal should be decided on merit. He, therefore, submits that, a liberal approach should have been adopted by the Tribunal to condone the delay in filing the appeal and the appeal should have been heard on merit giving her an opportunity of hearing.

3. Mr. Rajeev Shrivastava, learned Sr. Counsel appearing for the respondents submits that, the petitioner had never raised any objection disputing her signature in the notices before the Tribunal. She for the first time took such plea in the writ petition. Further, in the petition for condonation of delay as well as in the appeal memo, the petitioner took a plea that in the month of December, 2020, she was out of town to attend a marriage function of her relative. No material was placed in support of such plea. Rest of the dates have not been explained, from which, it can be presumed that the petitioner had received such notices. Although a vague submission has been made by learned counsel for the petitioner that, the petitioner had not received any notice, but signature on the notices depicts a different picture. If the petitioner disputed her signature on the notices, she could have raised objection before the Tribunal itself. Further, the petitioner had not filed any application for setting aside the ex parte order before the RCA, who could have examined the documents by receiving evidence and pass necessary order. A vague submission has been made to the effect that, the petitioner came to know about the order of eviction after receipt of the eviction warrant on 17-5-2025, but no material in support of the same was filed. He therefore, submits that, the order of the Tribunal under Annexure P-1 warrants no interference. In support of his case, he relied upon the case of **Food Corpn. of India and ors. Vs. Bhanu Lodh** reported in (2005) 3 SCC 618, wherein it has been held that objection regarding happening of a Court can only be challenged before that Court or the authority and not before any higher Court or authority. Para 11 of the said judgment would be relevant for the

purpose, which is quoted as under :-

> *"**11.** We may first dispose of the contention raised by Mr Sanjay Parikh, learned counsel for the petitioner in Special Leave Petition (Civil) No. 11475 of 2004. Having perused the judgment of the learned Single Judge in the writ petition, we find that the only question which was argued before the learned Single Judge was the one which we have extracted hereinbefore. No other point seems to have been addressed to the Court. A perusal of the judgment in the writ appeal also supports this view. In the face of this record, it is not possible to accept the contention of the learned counsel for the petitioner that any other arguments were addressed. We must accept as correct the facts as obtaining from the judgment of the High Court, which cannot be controverted by the averments made in the present special leave petition, nor by the statement made across the Bar. We are, therefore, not in a position to accept that any contention other than the contention placed before the High Court was urged before the High Court. (See the observations of this Court in para 4 in the judgment of **State of Maharashtra v. Ramdas Shrinivas Nayak** [(1982) 2 SCC 463 : 1982 SCC (Cri) 478] .) The only contention which appears to have been urged and examined by the High Court pertained to the*

power of the Central Government to issue direction under sub-section (2) of Section 6 of the Act, which has the effect of putting an embargo on the direct recruitment of employees."

4. Learned Senior Counsel, therefore, submits that, the contention not raised before the Tribunal or the RCA cannot be raised before this Court. He also relied upon the case of ***Sheo Raj Singh v. Union of India reported in*** **(2023) 10 SCC 531** and submit that exercise of power under Section 5 of the Limitation Act is discretionary in nature. No judicial review could be permissible, if same is not arbitrary or unreasonable. It is submitted by Mr. Rajeev Shrivastava, learned Sr. counsel that in the said case, delay was condoned by the High Court giving sufficient reason, which was not interfered by Hon'ble Supreme Court. No arbitrariness or unreasonableness by the Tribunal has been shown by the petitioner in the instant case to interfere with the impugned order under Annexure P-1. He, therefore, submits that, the writ petition being devoid of any merit should be dismissed.

5. Heard learned counsel for the parties. Perused the material available on record.

6. On perusal of the impugned order under Annexure P-1, it is apparent that learned Tribunal had examined the notices issued to the petitioner on 13-10-2020, 4-11-2020, 18-11-2020 and 16-12-2020. On examination, learned Tribunal found that the said notices were received by the petitioner and in token of acknowledgment thereof, she

had signed the notices, but she failed to appear after receipt of such notices. Thus, the plea that the petitioner was out of town in December, 2020 was not supported by any material. Petitioner has not raised any grievance before the Tribunal with regard to her signature on the notices, as aforesaid. Thus, a legal presumption can safely be drawn that she had received the aforesaid notices in the eviction proceeding issued by the RCA.

7. Further, the petitioner has alleged that, she had no knowledge about the eviction proceeding before the RCA or the order passed therein till she received warrant of eviction on 17-5-2025. But, no material was produced before the Tribunal in support of her case that she received the warrant of eviction only on 17-5-2025 and she had no knowledge about the eviction proceeding or order passed therein before hand, more particularly when, the aforesaid notices, as observed by the Tribunal, were stated to have been received by her. Further, the case law of the coordinate bench of this Court, relied upon by learned counsel for the petitioner is of no assistance to the case of the petitioner, as no arbitrariness or unreasonableness could be pointed out in the impugned order under Annexure P-1.

8. There is an inordinate delay of 4 years and 5 months in filing the appeal as admitted by learned counsel for the petitioner in his submission. No plausible explanation, much less, any sufficient cause has been shown for condonation of such a long delay in filing the appeal. Thus, we are not inclined to entertain the writ petition.

9. Accordingly, the writ petition being devoid of any merit, is dismissed.

10. Interim order dated 26-5-2025 stands vacated.

Sd/-

(Santosh Sharma)
Judge

Sd/-

(Krushna Ram Mohapatra)
Chief Justice

Pathak

AVANISH KUMAR PATHAK
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