



2026:CGHC:14531

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 502 of 2023

Bhojram S/o Late Sonuram Sahu Aged About 50 Years R/o Village
Patharia Tehsil Dhamdha District Durg Chhattisgarh Plaintiff

... Appellant(s)

versus

1 - General Manager Associated Cement Company Jamul Bhilai 1
Tehsil And District Durg Chhattisgarh Defendant No. 1

2 - State Of Chhattisgarh Through District Collector Durg Chhattisgarh
Defendant No. -2

3 - Mining Officer Durg, Tehsil And District Durg Chhattisgarh Defendant
-3 (Particular Of The Parties Not Properly Mentioned In Cause Title Of
Impugned Judgment And Decree)

.... Respondent(s)

(Cause title is taken from CIS)

For Appellant(s) : Mr. Avinash Chand Sahu, Advocate
alongwith Ms. Priyanshi Dubey, Advocate

For Respondent/State : Mr. Lekhram Dhruw, Panel Lawyer

Hon'ble Shri Justice Bibhu Datta Guru

Judgment on Board

27/03/2026

1. The present Second Appeal has been filed by the appellant/ plaintiff under Section 100 of the Code of Civil Procedure, 1908, assailing the impugned judgment and decree dated 26.08.2023 passed by the learned 8th Additional District & Sessions Judge, Durg (C.G.) in Civil Appeal No. RCA/96/2022 (Bhojram vs. General Manager & Others), affirming the order and decree dated 12.10.2022 passed by the learned 14th Civil Judge, Class-II, Durg (C.G.), in Civil Suit No. 202-A/2018 (Bhojram vs. General Manager & Others), whereby the civil appeal filed by the appellant/ plaintiff was dismissed. For the sake of convenience, the parties shall hereinafter be referred to as per their status before the Trial Court.
2. The plaintiff instituted the suit seeking declaration that the sale deed dated 13.04.1977 in respect of Khasra No. 789 admeasuring 50 decimals is illegal, void and not binding upon him, along with relief of possession and permanent injunction, pleading inter alia that the suit land originally belonged to his father late Sonuram, who had only executed a lease agreement for a period of 20 years in favour of defendant No.1 in consideration of Rs.1,100/- received from Jamul Cement Company, and not an outright sale. It is further pleaded that the defendants, without the knowledge or consent of the plaintiff's father and other landholders, got an unlawful sale deed executed treating the lease amount as sale

consideration. The plaintiff asserts that upon expiry of the lease period, the land ought to have been restored, however, the defendants continued to retain possession by extending the lease without following due process. It is also pleaded that the plaintiff came to know about the alleged sale deed through documents obtained under the Right to Information Act, whereafter the cause of action arose, and since no lawful acquisition of the land was ever made, the impugned sale deed is liable to be set aside and the plaintiff is entitled to restoration of possession.

3. *Per contra*, defendant No.1, in his written statement, denied all allegations in the plaint except those specifically admitted. It is submitted that after the sale of the suit land, he became the absolute owner of the property. Any issue relating to extension or renewal of the lease is purely a matter between defendant No.1 and defendant Nos.2 and 3. The sale deed has been fully executed for several decades, and the plaintiff's allegation that the sale deed is fraudulent reflects only his mala fide intent. The claim is barred by limitation, is grossly time-barred, and suffers from incorrect valuation and insufficient court fee.
4. Defendant Nos.2 and 3, in their joint written statement, denied all allegations and submitted that the name of defendant No.1 is recorded in the revenue records of the suit land, and on that basis, the approved mineral lease was renewed in favor of defendant No.1's company. In such circumstances, there is no

statutory requirement to inform the previous landowner or seller regarding the renewal of the mineral lease. Consequently, defendant Nos.2 and 3 are not necessary parties to the present suit.

5. After framing the issues, on 30/10/2018 defendant No. 1 filed an application under Order 7 Rule 11 CPC contending that the suit is legally untenable. It was submitted that the land transfer was completed in accordance with law, the plaintiff concealed material facts regarding government acquisition and compensation, and arbitrarily assessed the suit land's value with insufficient court fees.
6. The Plaintiff, in response to the said application filed by defendant No. 1 under Order 7 Rule 11 CPC, contended that the suit is maintainable, as the transfer of the suit land was completed strictly in accordance with law. The plaintiff contended that the application of the defendant No.1 fails to specify how the suit is unlawful, and that objections under law must be clearly articulated, failing which they are considered null and void. It was submitted that the alleged concealment of Government acquisition and compensation is unsubstantiated, and that the defendants have not placed any documentary proof on record. The Plaintiff also pointed out that proper court fees were affixed with the plaint, and any minor deficiency could be rectified by the Court in the interest of justice. Consequently, the plaintiff prayed for dismissal

of the application filed by defendant No. 1.

7. Upon due appreciation of the plaint, the learned Trial Court rejected the plaint filed by the plaintiff, holding that the suit is barred by limitation, as the plaintiff's claim to set aside the sale deed executed on 02.12.1977 was not filed within the statutory period prescribed under the Limitation Act, and the alleged expiration of the 20-year lease from 22.05.1993 to 30.03.2030 does not provide any legal basis to extend or validate the claim.
8. Aggrieved by the said judgment and decree dated 12/10/2022, the plaintiff preferred a First Appeal under Section 96 of the Code of Civil Procedure before the learned First Appellate Court. The learned First Appellate Court, on re-appreciation of the entire evidence on record, affirmed the findings recorded by the Trial Court and dismissed the appeal by the impugned judgment. Hence, the present appeal.
9. Learned counsel for the appellant submits that the impugned judgment and decree passed by the learned Trial Court as well as the learned First Appellate Court are wholly contrary to law and the facts and circumstances of the case. He submits that both the Courts erred in dismissing the suit under Order 7 Rule 11 of the CPC without framing any issue on the point of limitation and without conducting a proper trial. He also submits that the appellant filed the suit promptly upon knowledge of the irregularities committed by the respondents, and the question of

limitation can only be adjudicated after proper evidence is led. He contends that the defendants have taken inconsistent defenses, raising complex questions of law and fact, which cannot be decided at the threshold. Learned counsel further contends that the appellant is entitled to adjudication on the reliefs claimed, including declaration of sale deeds as null and void, possession of the suit land, and other consequential reliefs. He further argued that the First Appellate Court failed to provide any reasoned order, thereby causing miscarriage of justice. In view of the above, the appellant prays that this Court may be pleased to set aside the impugned judgment and decree and remand the matter for proper adjudication after framing the relevant issues and conducting trial. He would place reliance upon the judgment of this Court rendered in the matter of ***Mehul Kumar Patel & Others v Rishikesh Guptas & Others*** (FA No.16 of 2023 decided on 10.11.2023).

10. I have heard learned counsel for the appellant on the question of admission, and the impugned judgments and decrees passed by the learned trial Court as also the learned First Appellate Court have been carefully examined.
11. In the present case, both the learned Trial Court as well as the learned First Appellate Court, upon due appreciation of the plaint, have concurrently held that the plaintiff's suit is barred by limitation and that the plaintiff has failed to establish any valid cause of action within the prescribed period. The Courts have

taken note of the admissions in the plaint as well as the statements in the plaint document, including the claims regarding the sale deed allegedly executed by the plaintiff's father and the 20-year lease granted by the Government. It has been found that the plaintiff's claim regarding the alleged invalidity of the sale deed was first raised on 19.07.2018, several decades after the execution of the sale deed and the expiry of the original lease, thereby exceeding the limitation period prescribed under Section 56 of the Limitation Act, 1963.

12. The Courts have further observed that the plaintiff failed to specify when he obtained knowledge of the purported irregularities. On this basis, the Courts have held that the suit was presented beyond the period of limitation and, therefore, the plaintiff's claim is time-barred. The findings of both the Courts demonstrate that the plaintiff has not established his entitlement to declaration, cancellation of the sale deed, or any other consequential relief, and no error, misreading of evidence, or legal infirmity is shown so as to warrant interference under Section 100 of the Code of Civil Procedure.
13. It would be apt to quote the provisions of Order 7 Rule 11 of the CPC, which reads thus :

“Order VII (Plaint)

XXX XXX XXX XXX

Rule 11. Rejection of plaint. -- The plaint shall be

rejected in the following cases:-

- (a) where it does not disclose a cause of action;
- (b) where the relief claimed is under-valued, and the plaintiff, on being required by the Court to so correct the valuation within a time to be fixed by the Court, fails to do so;
- (c) where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- (d) where the suit appears from the statement in the plaint to be barred by any law;
- (e) where it is not filed in duplicate;
- (f) where the plaintiff fails to comply with the provisions of rule 9:

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-papers shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-papers, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]”

(emphasis applied)

14. From bare reading of the aforesaid provision, it is manifest that Order 7 Rule 11(d) empowers courts to reject a plaint if it appears

to be barred by any law. This can include situations where the suit lacks a valid cause of action, is time-barred, or other legal prohibitions apply. The key principle is that the rejection should be based solely on the statements within the plaint without delving into external evidence or disputed facts. It is noteworthy to mention here that Order 7 Rule 11(d) is not a catch-all provision for dismissing suits lacking merit; rather, it is a procedural tool meant to streamline the judicial process by filtering out blatantly untenable claims at the earliest stage. In fact, the rejection of a plaint under this rule should be confined to the averments within the plaint itself, devoid of any consideration of external evidence or disputed facts. The underlying object of Order 7 Rule 11(d) is that where the if the suit is barred by limitation under this provision, the Court would not permit the plaintiff to unnecessarily protract the proceedings in the suit. In such a case, it would be necessary to put an end to the sham litigation, so that further judicial time is not wasted. Looking to the aforesaid facts situation, the decision of this Court rendered in ***Mehul Kumar Patel*** (supra), relied upon by the plaintiff, would not be applicable to the facts of the present case.

15. The Hon'ble Supreme Court in the matter of ***Hardesh Ores (P) Ltd. vs. Hede and Company*** reported in ***(2007) 5 SCC 614*** held that the plaint can be rejected on the ground of limitation only, where the suit appears from the statement in the plaint to be barred by any law. 'Law' within the meaning of Order 7 Rule 11(d)

must include the law of limitation as well.

16. Even otherwise, the scope of interference in a Second Appeal under Section 100 of the Code of Civil Procedure is extremely limited. Interference is permissible only when the appeal involves a substantial question of law. Concurrent findings of fact recorded by both the Courts cannot be interfered with unless such findings are shown to be perverse, based on no evidence, or contrary to settled principles of law.
17. In the present case, both the Trial Court and the First Appellate Court have concurrently recorded findings, on the basis of evidence available on record and the pleadings, that the appellant/plaintiff failed to establish his case by placing cogent and sufficient material. The Courts also noted that the suit was time-barred and barred by limitation under the provisions of the Limitation Act. The appellant failed to demonstrate any perversity, illegality, or misapplication of law in the findings so recorded.
18. The questions sought to be raised in the present Second Appeal essentially relate to re-appreciation of evidence and challenge to concurrent findings of fact. Such questions do not give rise to any substantial question of law within the meaning of Section 100 of the Code of Civil Procedure.
19. It is well established that when there is a concurrent finding of fact, unless it is found to be perverse, the Court should not

ordinarily interfere with the said finding.

20. In the matter of ***State of Rajasthan and others Vs. Shiv Dayal and another***, reported in **(2019) 8 SCC 637**, reiterating the settled proposition, it has been held that when any concurrent finding of fact is assailed in second appeal, the appellant is entitled to point out that it is bad in law because it was recorded *de hors* the pleadings or based on misreading of material documentary evidence or it was recorded against any provision of law and lastly, the decision is one which no Judge acting judicially could reasonably have reached.
21. Be that as it may, the argument advanced by learned counsel for the appellant and the proposed question of law cannot be regarded as satisfying the test of being 'substantial question of law' within the meaning of Section 100 of CPC. These questions, in my view, are essentially question of facts. The appellant failed to raise any substantial question of law which is required under Section 100 of the CPC. In any event, the Second Appeal did not involve any substantial question of law as contemplated under Section 100 of the CPC, no case is made out by the appellant herein. The judgments impugned passed by the learned trial Court as as well as by the learned First Appellate Court are just and proper and there is no illegality and infirmity at all.
22. Having heard learned counsel for the appellant and on perusal of the record of the case and in view of the above settled legal

proposition, I find absolutely no merit in this appeal, involving no question of law much less substantial question of law within the meaning of Section 100 of the CPC and further the fact that the suit is barred by limitation, which is based solely on the averments made in the plaint itself. In my view, the judgment and decree passed by both the Courts appear to be just, proper and legal. The findings recorded are based on proper appreciation of evidence available on record and there is no illegality or perversity in the same and they do not call for any interference.

23. Accordingly, the Second Appeal fails and is hereby **dismissed** resulting in upholding of the judgment and decree of the trial Court as well as the Appellate Court.

Sd/-
(Bibhu Datta Guru)
Judge

Head Note

The plaint can be rejected on the ground of limitation only, where the suit appears from the statement in the plaint to be barred by any law. 'Law' within the meaning of Order 7 Rule 11(d) of the CPC must include the law of limitation as well.

वाद-पत्र को केवल परिसीमा (limitation) के आधार पर तभी अस्वीकृत किया जा सकता है, जब वाद-पत्र में दिए गए कथन से यह प्रतीत होता हो कि वह किसी विधि द्वारा वर्जित है। CPC के आदेश 7 नियम 11(d) के अर्थ के अंतर्गत 'विधि' में परिसीमा विधि भी शामिल होनी चाहिए।