



2026:CGHC:13292



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 628 of 2019

Madho Lodhi S/o Manharan Lodhi Aged About 40 Years R/o. Junwani,
Tahsil Khairagarh District Rajnandgaon, Chhattisgarh

... Appellnat(s)

versus

**1 - Tilok @ Trilok Kumar S/o Manrakan Lodhi Aged About 40 Years
Agriculturist, R/o Village Godari, Tahsil Khairagarh, District
Rajnandgaon Chhattisgarh**

**2 - Anil Kumar Soni S/o Late Shri Brijlal Soni Aged About 51 Years R/o
Bakshi Marg, Ward No. 11 Khairagarh District Rajnandgaon
Chhattisgarh**

**3-A Niranjan S/o Santram Aged About 43 Years R/o Village Godari,
Tahsil Khairagarh, District Rajnandgaon Chhattisgarh**

**3-B Tikam S/o Santram Aged About 42 Years R/o Village Godari, Tahsil
Khairagarh, District Rajnandgaon Chhattisgarh**

**3-C Kamlesh S/o Santram Aged About 35 Years R/o Village Godari,
Tahsil Khairagarh, District Rajnandgaon Chhattisgarh**

**3-D Mohan S/o Santram Aged About 33 Years R/o Village Godari, Tahsil
Khairagarh, District Rajnandgaon Chhattisgarh**



3-E Mantoriya W/o Santram Aged About 63 Years R/o Village Godari,
Tahsil Khairagarh, District Rajnandgaon Chhattisgarh

**4 - State Of Chhattisgarh Through Collector Rajnandgaon, District
Rajnandgaon Chhattisgarh**

.... Respondent(s)

(Cause title is taken from CIS)

For Appellant(s)	: Mr. Rajesh Jain, Advocate
For Respondent/ State	: Mr. Malay Jain, Panel Lawyer

Hon'ble Shri Justice Bibhu Datta Guru

Judgment on Board

19/03/2026

1. The present Second Appeal has been filed by the appellant/ defendant No.1 under Section 100 of the Code of Civil Procedure, 1908, assailing the impugned judgment and decree dated 21.06.2019 passed by the learned Additional District Judge, Khairagarh, District Rajnandgaon (C.G.) in Civil Appeal No. 11-A/2015 (Tilok @ Trilok Kumar vs. Madho Lodhi & Ors.), reversing the judgment and decree dated 30.03.2015 passed by the learned Civil Judge, Class-I, Khairagarh, District Rajnandgaon (C.G.), in Civil Suit No.12-A/2009, whereby the civil appeal filed by the plaintiff was allowed. 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 of title and permanent injunction, pleading *inter alia* that the suit land bearing Khasra No. 20/4, admeasuring 0.95 acre, situated at Village Godari, was lawfully purchased by him from defendant No.3 vide



registered sale deed dated 09/06/2003, pursuant to which he acquired valid title and is in continuous physical possession as owner. It is further pleaded that the said transaction was duly followed by mutation proceedings, and the plaintiff's name was recorded in the revenue records. According to the plaintiff, the defendant No.3 had never sold the suit land to defendant No.2 and that any alleged earlier transaction dated 21.01.2002 was merely a nominal or sham document executed by way of security for a loan, without transfer of possession or title. It is further pleaded that defendant No.1 derived no valid right on the basis of such alleged transaction and the subsequent sale deed dated 21.12.2006 is void, illegal and not binding upon the plaintiff. The plaintiff asserts that he had no knowledge of the alleged prior transactions until receipt of notice in mutation proceedings and, therefore, seeks declaration of his title and declaration that the impugned sale deeds are null and void.

3. (i) *Per contra*, Defendant No.1, in his written statement, has denied the plaint averments and pleaded that the suit land was initially sold by Defendant No.3 to Defendant No.2 by registered sale deed dated 21.01.2002, whereafter Defendant No.2 became the recorded owner and obtained mutation. It is further pleaded that Defendant No.2 subsequently sold the said land to Defendant No.1 in December, 2006 for valid consideration and delivered possession, and since then Defendant No.1 is in lawful possession and has also got his name mutated in the revenue



records. It is contended that the plaintiff has no right, title or interest over the suit land and that the alleged transaction in his favour is false and not binding, and therefore, the suit deserves to be dismissed.

(ii) Defendant No.2 has also filed his written statement denying the claim of the plaintiff and contending that he is the first purchaser of the suit land, having purchased the same from Defendant No.3 by registered sale deed dated 21.01.2002 and obtained possession and mutation in his favour. It is further pleaded that after such sale, Defendant No.3 had no subsisting right to transfer the suit land to the plaintiff or any other person, and any such subsequent transaction is void. Defendant No.2 has further relied upon a village meeting dated 13.04.2004, wherein the earlier sale in his favour was acknowledged, and contended that the plaintiff is estopped from disputing the same. Accordingly, dismissal of the suit has been prayed for.

(iii) Defendant Nos.3 and 4 have remained ex parte and have not filed any written statement or counter-claim.

4. After framing the issues and upon due appreciation of the oral as well as documentary evidence available on record, the learned Trial Court dismissed the suit filed by the plaintiff, holding that the plaintiff has failed to establish his claim over the suit property. Aggrieved by the said judgment and decree dated 30/03/2015, 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, reversed the findings recorded by the learned Trial Court and allowed the appeal in favour of the plaintiff vide impugned judgment. Hence, the present appeal by the defendant No.1.

5. Learned counsel for the appellant/defendant No.1 would submit that the impugned judgment and decree passed by the learned First Appellate Court is wholly unsustainable in law and on facts, as the said Court has failed to record findings on all the issues framed by the learned Trial Court and has reversed a well-reasoned judgment without proper appreciation of evidence. He submits that the findings of the First Appellate Court are perverse and based on assumptions, inasmuch as it erroneously treated the registered sale deed dated 21.01.2002 as a mortgage transaction, despite there being no cogent evidence on record to establish any loan transaction between Defendant Nos. 2 and 3. The plaintiff has neither examined the vendor nor his legal heirs nor produced any reliable material to discharge the burden of proving that the transaction was not an outright sale. He further submits that the plaintiff failed to prove due diligence prior to purchase and has not established valid title, yet the Appellate Court wrongly declared both the sale deeds dated 21.01.2002 and 29.12.2006 as null and void and held the plaintiff to be a bona fide purchaser. Hence, substantial questions of law arise as to



whether the Appellate Court has committed grave illegality in reversing the Trial Court's findings, misreading evidence, shifting burden of proof, and granting relief without legal basis.

6. 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.
7. In the present case, it appears that the Trial Court did not fully appreciate the evidence in its entirety, particularly the admissions made by the witnesses and the surrounding circumstances relating to the transactions in question whereas the learned First Appellate Court, after a comprehensive review of the evidence, correctly concluded that the plaintiff has established his claim and the transaction dated 21.01.2002 was not an outright sale but in the nature of a loan secured by way of mortgage. The Appellate Court properly relied upon admissions made by witnesses, as well as surrounding circumstances, to infer the true nature of the transaction and concluded that both the sale deeds dated 21.01.2002 and 29.12.2006 were not binding upon the plaintiff by declaring them as null and void. The Appellate Court's reasoning is supported by the evidence on record and follows settled legal principles.
8. The learned First Appellate Court while examining the sale deed dated 09/06/2003 (Ex. P/1) observed that the defendant No.2



(Anil Kumar Soni) was one of the witnesses to the said sale deed executed by the defendant No.3 in favour of the plaintiff. Though defendant No.2 is claiming title over the property in question on the basis of alleged earlier transaction vide sale deed dated 21/01/2002 (Ex. P.9) which was alleged to be executed by defendant No.3 in favour of defendant No.2, but the defendant No.2 never raised the question of sale deed dated 09/06/2003. Once he being the witness to the sale deed dated 09/06/2003, the execution of alleged sale deed dated 21/01/2002 by defendant No.3 in favour of defendant No.2 itself invited the attention of the Court in respect of the sanctity of the said sale deed and the same creates a doubt. Thus, the First Appellate Court has rightly affirmed the title of the plaintiff over the property in question which has been purchased by him from defendant No.3 vide sale deed dated 09/06/2003.

9. A careful analysis it is manifest that the First Appellate Court has correctly evaluated the evidence, giving due weightage to the admissions and the material facts, and has arrived at a conclusion consistent with law. The Appellate Court's decision is based on proper appreciation of evidence and settled legal presumptions regarding the nature of transactions. The findings recorded by the learned First Appellate Court are just, proper, and based on a careful examination of evidence. The judgment and decree of the First Appellate Court do not suffer from any error, illegality, or perversity, and accordingly, there is no ground to interfere with the



same under Section 100 of the Code of Civil Procedure.

10. At the outset, it is to be noted that the scope of interference in a Second Appeal under Section 100 of the Code of Civil Procedure is strictly confined to examination of substantial questions of law. It is well settled that this Court, in exercise of such jurisdiction, does not act as a Court of re-appreciation of evidence. Even in a case where the First Appellate Court has reversed the findings recorded by the Trial Court, interference is permissible only when the findings of the First Appellate Court are shown to be perverse, based on no evidence, suffering from material irregularity, or involving a substantial error of law affecting the rights of the parties. Unless such infirmities are demonstrated, the findings of fact recorded by the First Appellate Court are binding in Second Appeal.
11. 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. Findings of fact recorded by 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.
12. In the present case, the learned First Appellate Court, after due appreciation of the pleadings and evidence available on record, recorded findings that the plaintiff established his case. The



Appellate Court has correctly evaluated the evidence and arrived at a conclusion consistent with law.

13. The questions sought to be raised in the present Second Appeal essentially relate to re-appreciation of evidence and challenge to the findings of fact recorded by the First Appellate Court. Such questions do not give rise to any substantial question of law within the meaning of Section 100 of the Code of Civil Procedure, unless it is shown that the findings are perverse or based on misreading of evidence.
14. Having heard learned counsel for the appellant and on perusal of the record of the case, 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. In my view, the judgment and decree passed by the learned First Appellate Court appears 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 it does not call for any interference.
15. Consequently, the Second Appeal fails and is hereby dismissed in limine, resulting in upholding the judgment and decree of the First Appellate Court.

Sd/-
(Bibhu Datta Guru)
Judge