

Assam Schedule VII, Form No 132



HIGH COURT FORM NO. (J) 2

HEADING OF JUDGMENT IN ORIGINAL SUIT/ CASE

District: Baksa, BTAD, Assam

In the Original Court of the Munsiff, Baksa, BTAD, Assam

Present: JAGAT DAS, A.J.S.

Friday, the 28th day of September, 2018

Title suit no-16/2018(new) arising out of Title Suit no-34/2014 (old)

1. Mrs. Mamtaz Begum,
D/o- Late Mazam Hussain Munshi (Father), Late Jamila Khatun (Mother), W/o-
Abdul Munnaf,
R/o- Village-Bunmajar Pather, Mouza- Gobardhana,
District- Baksa (BTAD), Assam.....**Plaintiff**

Vs-

1. Shahajul Islam,
S/o- Late Mazam Hussain Munshi, Mother's name Aie Bhanu Bewa.
2. Saddam Hussain, S/o -do-
3. Sufia Khatun, D/o -do-
4. Jahida Khatun,
D/O Late Mazam Hussain, Mother's name Amina Bewa.
5. Fajila Khatun, D/o -do-
6. Aie Bhanu Bewa, 2nd Wife of Late Mazam Hussain Munshi
7. Amina Bewa, 3rd wife of Late Mazam Hussain Munshi
All are residents of Village- Chunbari, Mouza- Gobardhana,
P.S. Gobardhana, District- Baksa (BTAD), Assam.....**Main Defendants**

This suit/case coming on for final hearing on 06/09/2018 in the presence of Hafizur Rehman, Ld. Advocate for the Plaintiff and none for the Defendants.

And having stood for consideration to this day the Court delivered the following judgment:

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Munsiff
Baksa

JUDGMENT

1. This is a suit filed by the plaintiff for declaration of her right, title, interest upon the 'B' Schedule land of the plaint measuring 6B-1K-15Ls out of the Schedule 'A' land of the plaint, for recovery of khas possession, for injunction and for precept.

2. **Plaintiff's case :**

The case of the plaintiff in brief as revealed in the plaint is that one Luhit Ch. Nath, the original pattader of the schedule 'B' land of the plaint sold the schedule 'B' land of the plaint to one late Jamila Khatun, w/o late Mazam Hussain Munshi. That after death of Jamila Khatun, the name of the plaintiff being the sole legal heir/ daughter of Jamila Khatun, was mutated in the chitha and Jamabandi of the suit patta no-114 covered by dag no-116 and had been in possession of the suit land. The father of the plaintiff Mazam Hussain Munshi died in the year 1995 who had two other wives namely, Aie Bhanu Bewa and Amina Bewa. The said two wives and their sons and daughters have no linkage with the sale deed no-410/1969 dated 10/01/1969 through which the Jamila Khatun, the 1st wife of Late Mazam Hussain Munshi, purchased the schedule 'B' land of the plaint. Mamta Begum and her husband Md. Abdul Munnaf, had given the schedule 'B' land of the plaint under "ADHI" to one Sahid Master and the same was terminated in the month of September, 2008 and on 30/10/2008 the main defendants namely, Shahajul Islam and Saddam Hussain with a view to defraud and for dispossessing the plaintiff from the suit land tried their level best with their mother Aie Bhanu Bewa to take the possession of the schedule 'B' land of the plaint. Finally, the plaintiff had given the schedule 'B' land of the plaint to the defendants with a condition that in every year the defendant had/have to give 30 mounds of paddy to the plaintiff to which the defendants had given full consent and in such a way the defendants have been cultivating the schedule 'B' land. The plaintiff got the paddy @ 30 mounds per year up to 2012 and in the month of October/November, 2012 the defendants failed to give 30 mounds of paddy to the plaintiff as per terms agreed upon between the either parties. The defendants again failed to give paddy to the plaintiff in the year 2013 and on asking, the defendant refused to give paddy and on 25/12/2013 the defendants replied that the suit land (Schedule 'B' land) is not the land of the plaintiff but the land of the defendants and also declared that plaintiff has/had no right, title and interest and possession over the suit land. Being aggrieved much, the plaintiff called upon village Mel against the defendants but the defendants didn't appear. Hence, this case.



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