



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

Present: JAGAT DAS, A.J.S.

Saturday, the 07 th day of July, 2018

**Title Suit No-60/2018**

**Plaintiff:**

1. Basanti Das, W/o-Late Swadesi Sau
2. Jamini Das, W/o- Late Paren Das
3. Tiken Das, S/o- Late Paren Das
4. Nipen Das, S/o- Late Paren Das

All are resident of vill-Barapeta,

Mouza- Kharija Bijni, Dist. Baksa, Assam

**Defendants:**

1. Rajen Das, S/o-Late Sarbeswar Das
2. Pakhila Das, W/o- Rajen Das
3. Sanjit Das, S/o- Rajen Das
4. Chinta Haran Das, S/o-Late Sarbeswar Das
5. Prabha Das, W/o- Chinta Haran Das

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6. Haren Das, S/o- Chinta Haran Das
7. Dharani Das, S/o- Chintaharan Das
8. Pradeep Das, S/o- Chintahran Das

S/o. Late Rajani Kanta Debnath

All are resident of vill-Barapeta,

Mouza- Kharija Bijni, Dist. Baksa, Assam

This suit/case coming on for final hearing on 07/07/2018 in the presence of J. Uddin, the Id. counsel for the plaintiffs and none for the defendants.

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

### **JUDGMENT**

1. This is a suit filed by the plaintiffs for declaration of right, title and interest, for recovery of khas possession and for permanent injunction.

2. **Case of the plaintiffs:**

In brief, the case of the plaintiff is that the schedule 'A' land of the plaintiff that is land measuring 4B-3K-6L covered by dag no-1024 of P.P. no-693 of village-Barapeta, mouza- Kharija Bijni, Dist.-Baksa, Assam was settled in the name of Swadeshi Sou vide order dated 30/03/1987 of revenue authority vides C.P. no-138/86-87. That after death of Swadeshi Sou, the plaintiff no-1, wife Basanti Das and son Paren Das got mutation over schedule 'A' of the plaintiff on 25/8/2010 as they being the legal heirs of Swadeshi Sou. The schedule 'A' land is used by the plaintiffs for their residential and agricultural purposes. The schedule 'X' land of the plaintiff has been used by the original pattader for residence and now the plaintiff has been using the same land for residential purpose. The rest part of the land

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out of schedule 'A' land measured by 3B-1K-6L has been used for agricultural purposes from the time of original pattader till plaintiffs' time.

That Paren Das, Son of Swadeshi Sou died leaving behind his wife Jamini Das, the plaintiff no-2 and two sons namely, Tiken Das and Nipen Das, the plaintiff no-3 and 4 respectively. The said legal heirs of the Paren Das also got their name muatued along with plaintiff no-1 over the suit land of the plaint.

The defendants dispossessed the plaintiffs from the schedule 'B' land of the plaint on 12/1/2015 collectively claiming their ownership over the schedule 'B' land of the plaint and continued to cultivate paddy and rearing hay for domestic animals and threatened the plaintiffs not to enter into the 'B' schedule land of the plaint otherwise keep ready for unwanted consequences. The plaintiffs tried to solve the dispute amicably with villagers but failed. Hence, this case.

3. The defendants didn't contest the suit by filing their respective written statements despite proper service of summons upon them and hence this suit proceeded ex-parte against them all.
4. During the course of the trial, the plaintiff side examined as many as four nos. of witnesses and has exhibited one document in support of their claims. The plaintiff no-4 Nipen Das examined himself as Pw-1. The plaintiff side also examined one Bhairav Talukdar as Pw-2 and one Pratap Das as Pw-3 and one Bijoy Kr. Das as Pw-4.

**5. Discussions, Decision and Reasons thereof:**

I have heard the arguments of the learned counsel for the plaintiffs and perused the case record in its entirety.

I have carefully perused the exhibit exhibited by the plaintiff side. Having gone through the documentary evidence and oral evidence adduced by the plaintiff side it is found that the plaintiff witness no-1 Nipen Das, the plaintiff no-4 himself as Pw-1 in his evidence-in-chief reiterated whatever he

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