

60-5-09
S. 5
60-5-09

the plaintiffs...
Mukhny...
In...
Hence...
defendant...
upon...
It is...
continuously...
property...
favour...
But...
recorded...
refused...
mutation...
of their...
respect...
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conveyance...
of land...
plaintiffs...
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property...
of plaintiffs...
possession...
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Yagna...
66...
Bala...
plaintiffs...
behind...
son...
the...
recorded...
Ramani...
father...
the...
The...
summon...
defendants...
Record...
30-04-09
29

U.S. 112
Defendants - Sri...
Pltiffs - Sri...
on the court of...
1/2



grandmother Ramani Bala Debi acquired the property measuring 1.32 acres of land under mouza Amrasota, P.S.Raniganj, R.S.Kh.No.598, R.S.Dag No.1269 by virtue of registered deed of conveyance being No. 4465 dated 11-05-1950. The certified copy of deed has been marked in this case as exbt.4 on being proved by the evidence of P.W.2 who produced the volume register and affirmed complete registration of deed being No.4465 in favour of Ramani Bala Debi. P.W.1 further produced R.S.R.O.R in respect of suit property along with govt. rent receipt which has been marked in this case as exbt.1 & 2 respectively. Further it is apparent from exbt. 3 i.e. certificate issued by the Councillor, Raniganj Municipality that the Plaintiffs are the sons and legal heirs of late Kalipada Mukhuty. It is also evident from the copy of legal notice along with postal receipt and A/D card i.e. exbt 5 series that the plaintiffs have served notice upon defendant No.2 as per provision of sec.80 C.P.C.

Having considered all the material evidence on record I am constrained to hold that the plaintiffs have been able to prove that the suit property was originally belonged to their grand mother Ramani Bala Devi. Who made verbal commitment to gift the same in favour of defendant No.1 but actually there was no formal registration or execution of said gift. It is further apparent from the evidence of P.W.1 that their grand mother expired in the year 1978 and if the property had actually been gifted to defendant No.1 such transfer could have been registered. Moreso the burden lies upon the defendants to prove that the name of defendant No.1 in respect of suit property has been rightly recorded. But the defendants have missed their opportunity to dislodge the claim of the plaintiffs by not contesting the suit even after proper service of summon upon them. Hence in view of the facts and discussion above I have no reason as to why the exparte evidence of the plaintiffs should not be believed as it remains unchallenged as of now.

In fine I have no hesitation to hold that the plaintiffs have been able to prove their case from all fronts. Hence the suit succeeds. C.F.paid is found correct.

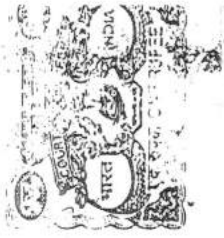
Hence it is ORDERED, that the suit be and the same is decreed exparte against the defendants without cost.

The plaintiffs do get the decree of declaration that the name of defendant 1, as has been recorded in R.S.Record in respect of suit property is wrong and erroneous. Henceforth the defendant No.1 is restrained by an order of permanent injunction from claiming their right, title, interest over the suit property on the basis of such wrong entry.

[Handwritten signature]

Civil Judge, District Court
2nd Court, Raniganj

[Handwritten] 27-5-09
EXAMINED BY
Cansorying
Cansorying
Civil Court, Raniganj



05.5.09

25.2.09 26.2.09 27.2.09



West Bengal Form No. 3261

HIGH COURT FORM No. (J) 25
DECREE IN ORIGINAL SUIT
(Order 20, Rules 6 and 7, Code Of Civil Procedure)

Plaint filed on
07.9.05

District Burdwan

In the 2nd Court of civil judge (Sr. Division) at Burdwan

Telle Suit No. 172 of 2005

1. Sri Aditya Chaman Mukherjee
 2. Sri Nitya Gupta Mukherjee
 3. Sri Ram Krishna Mukherjee
 4. Sri Ashoke Kumar Mukherjee all sons of late Kalu Padu Mukherjee village and Post office: Searsole Police Station - Raniganj, Dist - Burdwan
- Plaintiffs

VERSUS

1. The Secularity Chandra Raju Samity
c/o Anusilan Bhawan, 22/1 Chandi Shekh Road
P.S. Regent Park, Kolkata - 700010

Plaintiff(s)

Versus

2. State of West Bengal
Represented by the collector of Burdwan
District - Burdwan

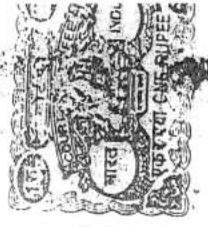
Claim for Suit for declaration and injunction
valued at Rs. 100/-

Defendant(s)



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27.5.09

CHIEF CLERK
27.5.09
Company Clerk



This suit coming on this day for final disposal before Sr. S. Shrivastava, C.J.
 Judge (Jurnal Div) and Court Asst in the presence of
 and of Sri Taran Kamesh Datta Advoca for the Plaintiff
 and _____ for the Defendant,

It is ordered and decreed that that the suit be and the same
is decreed in favor of the defendant without cost
the plaintiff to pay the costs of
declaratory suit the name of defendant
as has been recorded in R.S. Record in respect
of suit Property is wrong and erroneous.
Henceforth the defendant no 1 is restrained
by an order of Court from making any
claiming title over the property on the basis of such
order known
wrong entry.



Schedule

All the rights and interests in the land comprised
under Muzza Amraogate S. 1-100-18 R. S. Chelvan
No. 578 Dag No. 1269 Police Station Pan
Kadgunga, District. Bandipur measuring 66
decimals recorded as banyar.

and that the sum of Rs. X
be paid by the X

to the X

in account of the costs of this suit, with interest thereon at the rate of
per cent, per annum from this date to date of realisation.

Given under my hand and the seal of this Court, this* 30th
day of April 20 09

*Enter here the
date of the
Judgement

The address
given above
is an address as filed
by the parties to
their source. 20/3/09

Sudip Chakrabarty
Civil Judge, Junior Division
and Court, Asansol

N.B.—This Judge shall make an autograph note stating the date, month and year
on which the decree is signed and initial the corrections or alterations, if any.

COSTS OF SUIT



Plaintiff	Rs.	P.	Defendant	Rs.
1. Stamp for plaint	10	00	1. Stamp for power	
2. Stamp for power	10	00	2. Stamp for petitions and affidavits	
3. Stamp for petitions and affidavits	23	00	3. Cost of exhibits including copies made under the Bankers' Books' Evidence Act, 1891	
4. Cost of exhibits including copies made under the Bankers' Books' Evidence Act, 1891			4. Pleader's fee	
5. Pleader's fee on Rs. 160/-	16	00	5. Subsistence and travelling allowances of witnesses (including those of party, if allowed by Judge)	
6. Subsistence and travelling allowance of witnesses (including those of party, if allowed by Judge)			6. Process fees	
7. Process fees	11	00	7. Commissioner's fees	
8. Commissioner's fees			8. Demi-paper	
9. Demi-paper			9. Cost of transmission of records	
10. Cost of transmission of records			10. Other costs allowed under the Code and Civil Rules and Orders	
11. Other costs allowed under the Code and Civil Rules and Orders			11. Adjournment costs not paid in cash (to be deducted or added as the case may be)	
12. Adjournment costs not paid in cash (to be added or deducted as the case may be)				
Total	79	00	Total	

NOTE 1. The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as they will be destroyed at the time prescribed by the High Court (Rule 557 et. seq., Civil Rules and Orders, vol. I).

NOTE 2. The above note or the Schedule of costs shall be passed through if there are no exhibits for return or no costs in favor of any party (see Note 1 to rule 486, Civil Rules and Orders, vol. I).

27.5.09

EXAMINED BY
 Company Clerk
 Company Deptt.
 Civil Court, Asansol