

FORM NO. (J) 3

HEADING OF JUDGMENT ON APPEAL.

District :- Bongaigaon.

IN THE COURT OF CIVIL JUDGE, BONGAIGAON.

Present :- Sri S. Das.
Civil Judge,
Bongaigaon.

Thursday, the 4th day of April, 2013.

Title Appeal No. 2 of 2010.

from the Order, Judgment & Decree of.....

Munsiff of Bijni and made in

Title Suit No. 26 of 1998.

1. Sri Jitendra Choudhury and 4 others Appellants

V E R S U S

1. Smt Kameswari Roy alias Kalyani Roy Respondents

The appeal coming on thisday or having been heard on
(Give date or dates) 30.3.2013.

In the presence of -

Mr. N. K. Ghosh,

Advocate for Appellants.

Mr. D. J. Mukherjee,

Advocate for Respondents.

And having stood for consideration to this 4th day of April, 2013, the
Court delivered the following Judgment :-

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Su 14/2013
Civil Judge,
Bongaigaon.

:::::: J U D G M E N T :::::

1. This Title Appeal has been filed against the judgment, order and decree passed by learned Munsiff, Bijni in Title Suit No. 26/1998 dated 18.12.2009.
2. The appellants being plaintiffs filed Title Suit no. 26/1998 before the Munsiff, Bijni for declaration of right, title interest and recovery of khas possession and for partition and injunction. The case of the appellants-plaintiffs is that the appellants-respondents are sisters. Their father one Lohit Ch Roy alias Rajbongshi owned and possessed two plots of land, one plot measuring 27 bigha 0 katha 4 lechas covered by patta no.22, lat no.12 and dag no. 37, 195 158,193 situated at village Gossaigaon and another plot of land measuring 2 bighas 4 kathas 18 lechas covered by patta no. 19, dag no. 61 situated at village Nagarjhar. Both plot of lands falls under Bijni Revenue circle. The suit land is fully described in the plaint. After the death of Lohit Ch Roy the entire suit land came to be owned and possessed by his wife Smt Sahebala Roy and suit land was mutated in her name. The plaintiffs and defendants being heirs of said Lohit Ch Roy were minor at the time of his death and later on in the year 1964 during life time of said Sahebala Roy the suit land was mutated in the name of Smt Ramba Bati Roy, plaintiff no. 3, Smt Dalimi Roy, plaintiff no.4, Smt Kameswari Roy, defendant and Smt Kochila Roy, plaintiff no.5. Accordingly, ejmali patta was issued in their name and both plaintiffs and defendant including their mother Sahebala Roy jointly owned and possessed the suit land. After the death of said Sahebala Roy and after the said plaintiffs and defendant got married and they had moved to the house of their respective husbands. Further case of the plaintiffs is that soon after the death of Sahebala Roy it was mutually agreed between plaintiffs and defendant that they shall be entitled to share in the suit land which was accordingly done. It is alleged that in the year 1991 the defendant in connivance with the revenue staff falsely and illegally mutated her name in respect of certain portion of the

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 CMI Judge,
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