

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.**

**Monday, 22<sup>nd</sup> day of April, 2013.**

**Title Appeal No. 5 of 2012.**

from the Judgment & Decree of..9.1.2012.....

Munsiff of Bongaigaon and made in

Title Suit No. 39 of 2010.

1. Smt Anjali Gogoi and another Appellants

VERSUS

1. Bongaigaon Refinery a unit of Indian Oil Corporation Ltd.  
Dhaligaon, Assam Respondent

The appeal coming on this .....day or having been heard on  
(Give date or dates) 22.3.2013.

In the presence of -

Mr. Ratan Debnath,

Advocate for Appellants

Mr. D. J. Mukherjee,

Advocate for Respondent.

And having stood for consideration to this 22<sup>nd</sup> day of April, 2013,  
the Court delivered the following Judgment :-

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22/4/2013  
Civil Judge  
Bongaigaon

**..... J U D G M E N T .....**

1. This Title Appeal has been preferred against the Judgment and decree dated 9.01.2012 passed by learned Munsiff, Bongaigaon in Title Suit No. 39/2010 dismissing the suit of the plaintiff.
2. The case of the plaintiff is that the predecessor-in-interest of the defendants i.e husband of defendant no.1 and father of defendant no.2 late Phani Gogoi was an employee of erstwhile Bongaigaon Refinery Petrochemical Ltd. (BRPL) which was at later stage taken over by Indian Oil Corporation and known as Bongaigaon Refinery. Said Phani Gogoi was a sub-engineer thereunder. It is alleged that during his employment he was allotted a quarter bearing no.BP-614/C at the BRPL town ship where he resided with his family members i.e present defendants of the suit. Further, case of the defendants is that Phani Gogoi died on 25.5.2003. According to the rules and regulation of BRPL the employer of deceased Phani Gogoi dependent family members of the deceased family were entitled to retain official quarter for a period of four months from the date of death of concerning employee subject to payment of normal rent and other charges. Their stay beyond the period of four months will be treated as unauthorized and will be liable to pay penalty as well as damage rent with other charges. It is alleged that the defendants did not vacate the quarter after completion of four months from the date of death of said Phani Gogoi and despite receiving letters issued by the plaintiff requesting them to vacate the same and clear up all the dues stayed in the suit premises without paying any due. Accordingly, the plaintiff served a legal notice on 25.5.2010 to the defendants to vacate the suit premise and clear up all the dues within fifteen days from receipt of the notice. But the defendants did not comply with the terms of the notice. The plaintiff stated that on calculation a total sum of Rs. 1,63,945/- only stands due against the defendants for arrear rent and other charges from 26.5.2003 to 30.4.2010.

22/4/2013

Civil Judge,  
Bongaigaon.

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