

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.

Tuesday, the 23rd day of April, 2013.

Title Appeal No. 7 of 2011.

from the Judgment & Decree dated...13.10.2010..of....
Munsiff of North Salmara, Abhayapuri and made in
Title Suit No.13 of 1997.

1. Mustt Fuljan Nessa Appellant

VERSUS

1. Md Bijur Sheikh @ Bujur Sheikh and 2 others Respondents
Md Hazarat Ali and 6 others ... Proforma respondents

The appeal coming on thisday or having been heard on
(Give date or dates) 25.3.2013.

In the presence of -

Mr. Mohammad Ali

Advocate for Appellant

Mr. A. Samad

Advocate for Respondents.

And having stood for consideration to this 23rd day of April, 2013, the
Court delivered the following Judgment :-

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23/4/2013
Civil Judge,
Bongaigaon.

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

1. This Title Appeal has been filed against the Judgment and decree dated 13.10.2010 passed by learned Munsiff, North Salmara, Abhayapuri in Title Suit No. 13/1997 dismissing the suit of the plaintiff.

2. The facts giving rise to this appeal are as under :

The case of the plaintiff in the Title suit is that one Jaffor Ali who is the father of the plaintiff, proforma defendant no.4 to 9 and the husband of proforma defendant no.10 owned and possessed the land measuring 1 bigha 1 katha 7 lechas described in the schedule A and B of the plaint which is the suit land of the instant case. During his life time of Jaffor Ali sold out the suit land to his daughter Mustt Fuljan Nessa (plaintiff) by executing registered sale deed no. 3601 dated 15.9.82 and delivered possession thereof. Since then the plaintiff has been enjoying the suit land as exclusive owner and possessor. Further case of the plaintiff is that the said Jaffor Ali died about four years back leaving behind him, three sons i.e proforma defendant no. 4, 5 and 6, four daughters, i.e plaintiff, proforma defendant no.7, 8 and 9 and his wife proforma defendant no.10 as his legal heirs and successor of his properties. The suit land was earlier cultivated by the husband and son of the plaintiff but as it is situated a bit away from the house of the plaintiff it was difficult on the part of the plaintiff to cultivate the suit land and to protect crops. So, the plaintiff asked the defendant to cultivate the suit land as 'adhiar' from the month of January, 1994 on condition to give half of the total produce/crops on every harvesting season. Accordingly, the defendant no.1 used to give half of the produce to the plaintiff for a period of two years. It is alleged that in the month of January, 1996 when the plaintiff's husband went to the house of plaintiff no.1 for the share of crops/produced he told him to come after a week. So,

23/4/2012
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