

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, the 29<sup>th</sup> day of April, 2013.**

**Title Appeal No. 1 of 2012.**

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

Munsiff of Bijni and made in

Title Suit No. 34 of 2008.

1. Smt Sono Barman

Appellant

V E R S U S

1. Sri Amulya Barman and another  
2. Smt Akali Barman and 3 others

Respondents  
Proforma respondents.

The appeal coming on this .....day or having been heard on  
(Give date or dates) 5.4.2013.

In the presence of -

Mr. D.J. Mukherjee,

Advocate for Appellant.

Mr. H. Das,

Advocate for Respondents.

Mr R. N. Das,

Government Pleader for  
proforma respondents

And having stood for consideration to this 29<sup>th</sup> day of April, 2013, the  
Court delivered the following Judgment :-

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*Sg*  
29/4/2013  
Civil Judge,  
Bongaigaon.

(2)

T.A. 01/2012

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

1. This Title Appeal has been filed against the judgment and decree passed by learned Munsiff, Bijni in Title Suit No. 34/2008 dated 28.11.2011.

2. The appellant being plaintiff filed Title Suit no. 34/2008 before the Munsiff, Bijni for declaration of right, title interest and possession and eviction. The case of the appellant-plaintiff is that the suit land mentioned in the schedule of plaint originally owned by late Abhayswar Barman who died about 17 years ago living behind three sons Nityananda Barman (since deceased), Amulya Barman (defendant no.1) and Atul Baman (defendant no.2) and 2 daughters Smt Sono Barman and Akali Barman both plaintiffs of the present suit. That the co-plaintiffs were already married and residing in their respective husband house.

That the suit land which belongs to predecessor of plaintiffs and defendant no.1 and 2 are not yet been partitioned, but the defendant no.1 and 2 in connivance with revenue authorities without informing other legal heirs most illegally mutated the names of defendant no.1 and 2 in the revenue record and they have been possessing the suit land depriving the rightful shares of the plaintiffs over the suit land.

Further case of the plaintiff is that the proforma defendants have for the construction of four lane National High way has acquired a portion of the suit land and all arrangement has been taken to release the necessary amount. In this respect the defendant no.1 and 2 have already submitted their claim as only legal heirs and survivors common in interest of late Abhayswar Barman leaving out the plaintiff's with a view to grab the entire compensation money accrued from the suit land. However

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29/4/2013  
Civil Judge,  
Bongaigaon.

