

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.**

**Friday, the 13<sup>th</sup> day of September, 2013.**

**Title Appeal No. 20 of 2011.**

from the Judgment & Decree of..31.5.2011.....

Munsiff of Bongaigaon and made in

Title Suit No. 10 of 2010.

1. Sri Kulendra Singha

Appellant

VERSUS

1. Smt Parbati Singha and 4 others

Respondents

The appeal coming on this .....day or having been heard on  
(Give date or dates) 10.9.2013.

In the presence of -

Mr. P. Sarma

Advocate for Appellant

Mr. H. Das

Advocate for Respondents.

And having stood for consideration on this 13<sup>th</sup> day of  
September, 2013, the Court delivered the following Judgment :-

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13/9/2013  
Civil Judge,  
Bongaigaon.

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

1. This Title Appeal has been preferred against the Judgment and decree dated 31.5.2011 passed by learned Munsiff, Bongaigaon in Title Suit No. 10/2010 decreeing the suit of the plaintiff and decreeing the counter claim of the defendant.

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

Case of the plaintiff

The plaintiff in his plaint stated that he and the predecessor-in-interest of the defendants i.e late Satyendra Singha are the brothers and sons of late Ghanashyam Singha. That late Ghanashyam Singha had a plot of land measuring 3 bighas 2 kathas 4 lechas covered by dag no. 188(old), 300(new), patta No. 163(old) 271 (new) situated at Barshangaon under Boitamari revenue circle. This plot of land is described in the schedule A of the plaint. After the death of his father in the year 1948 the plaintiff was minor and the said plot of land was managed and looked after by the plaintiff's elder brother Satyendra Singha and got his name mutated in the record of rights. The plaintiff got married about the year 1972-73 and after his marriage his elder brother divided the schedule A land into two parts, Schedule B and Schedule C. Accordingly both the brothers are occupying their respective plot of land constructing their own houses for last 40 years or so. The plaintiff alleged that late Satyendra Singha promised him that he would get plaintiff's name mutated in the record of rights in respect of his plot of land. Further plaintiff alleged that the defendants in they year 2009 have been interfering with the peaceful possession of the plaintiff and have been trying to dispossess him from the suit land.

3. The defendants contested the suit by filing written statement alongwith and counter claim. The defendants refuted the allegation made in the plaint stating that there is no cause of action for the

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8/13/9/2012  
Civil Judge,  
Bongaigaon.

