

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, 11<sup>th</sup> day of June, 2013.**

**Title Appeal No. 21 of 2010.**

from the Judgment & Decree of..8.3.2010.....

Munsiff of Bongaigaon and made in

Title Suit No. 84 of 2006.

Sri Dipak Mazumdar and another

Appellants

VERSUS

Smt Sandhya Mazumdar

Respondent

Sri Dilip Kr Mazumdar and another

Proforma respondent.

The appeal coming on this .....day or having been heard on  
(Give date or dates) 23.5.2013.

In the presence of -

Mr. S. Kr Sarkar,

Advocate for Appellants

Mr. R. Debnath,

Advocate for Respondent.

And having stood for consideration to this 11<sup>th</sup> day of June,  
2013, the Court delivered the following Judgment :-

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*Sri S. Das*  
11/6/2013  
Civil Judge,  
Bongaigaon.

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

1. This Title Appeal has been preferred against the Judgment and decree dated 8.3.2010 passed by learned Munsiff, Bongaigaon in Title Suit No. 84/2006.

2. The facts giving rise to the appeal are as follows :

Plaintiffs' case

The plaintiffs-defendant and proforma defendants are the joint owner of the plot of land measuring 1 bigha 1 katha 7 lechas which is described in the schedule of the plaint. The original owner of the said plot of land was late Dinesh Ch Mazumdar. The defendant has occupied the house which was constructed by the original owner where the plaintiff no.2 (unmarried ) is living in a small portion of room. The plaintiff no.1 is living at his work place at Lumding. Further case of the plaintiff is that on 7.10.2005 plaintiffs and defendant and proforma defendants jointly executed a family partition deed in presence of the witnesses and as per the said partition deed the land shown in schedule B and C are given to the plaintiffs being their respective proportionate share and land shown in schedule B and C are the suit land. On 26.9.05 the defendant made declaration that she would vacate the suit land to the possession of the plaintiffs within 01.4.2006 and would live on her portion with her children. The proforma defendants had already sold a portion from his share and his negotiating the sale of remaining portion to the 3<sup>rd</sup> party. The plaintiffs alleged that the defendant refused to vacate the suit land as per term of the family settlement/partition deed dated 7.10.2005. Plaintiffs claim right, title interest and eviction of the defendant from the suit schedule land. Hence the suit.

Case of defendant

3. The defendant contested the suit by filing written statement wherein she took the as usual plea that there is no cause of action ; that the suit is not maintainable and that the suit is bad for non-

Contd...

*S*  
11-6-2013  
Civil Judge,  
Bongaigaon.

