

Assam Schedule VII, Form No. 132.

HIGH COURT FORM NO. (J) 2

HEADING OF JUDGMENT IN ORIGINAL SUIT.

District :- Bongaigaon.

IN THE COURT OF CIVIL JUDGE ::::: BONGAIGAON.

**Present :- Sri S. Das.  
Civil Judge,  
Bongaigaon.**

**Friday 26<sup>th</sup> day of April, 2013.**

**Title Suit No. 11 of 2009**

1.Smt Kamala Sarkar alias Roy and another Plaintiffs

VERSUS

1.The Bhakarivita M. E.School, represented by Headmaster Defendants  
and 4 others

1Srei Debendra Sarkar and another Proforma defendants

This suit coming for final hearing on 2.04.2013

(I) Given date or dates  
in the presence of

Mr. N.K. Ghose

Advocate for Plaintiffs

Mr A.K. Roy

Advocate for Defendants.

and having stood for consideration to this the 26<sup>th</sup> day of April,  
2013 the Court delivered the following Judgment:

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26/4/2013  
Civil Judge,  
Bongaigaon.

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

1. This is a suit for declaration of right title and interest and khas possession and for permanent injunction.

2. The case of the plaintiffs is as follows :

The father of the plaintiff late Ratiram Sarkar was the original owner and possessor and pattadar in respect of the land measuring 4 bigha 4 katha 15 lechas covered by khatina no. 179 and dag no. 337 situated at Bhakarivita village under Bongaigaon revenue circle. Said Ratiram Sarkar during his life time transferred alienated a plot of land measuring 1 katha 13 lechas in the name of his own son Sri Sidheswar Sarkar and accordingly Sideswar Sarkar own brother of the plaintiffs during his life time had also duly possessed and enjoyed the said plot of land. Said Sideswar Sarkar again transferred and alienated another plot of land measuring 1 bigha in favour of proforma defendant no.1 who still possessing the plot of land having right, title interest over the same. Late Ratiram Sarkar expired since long back and after few years mother of the plaintiffs also expired leaving behind the plaintiffs and said Sidheswar Sarkar, brother of the plaintiffs as their legal heirs and survivors common interest. Later on, Sideswar Sarkar also expired unmarried leaving behind the plaintiffs his own sisters as legal heirs. Accordingly, the plaintiffs have been possessing the suit land measuring 3 bighas 4 katha 15 lechas including the plot of land measuring 1 bigha which was in the occupation of proforma defendant no.1. Out of land measuring 3 bigha 4 katha 15 lechas measuring 1 katha 5 lechas was again sold out by the plaintiffs to some other persons and the remaining land measuring 3 bighas 3 kathas 10 lechas remained in the occupation of the plaintiffs. The plaintiffs alleged that the defendant no.4 in connivance and consultation with the office of proforma defendant no.2 falsely forged and fabricated documents and mutated his

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26/4/2013  
Civil Judge,  
Bongaigaon.

