

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 the 21st day of June, 2013.
Title Suit No. 20 of 2008.**

1. Md Rafiqul Islam

Plaintiff

V E R S U S

1. Mustt Majeda Bagum and two others

Defendants

1. Md Abdul Kader Ahmed and 4 others

Proforma defendants

This suit coming for final hearing on 21.5.2013

(I) Given date or dates
in the presence of

Mr. S.K. Sarkar

Advocate for Plaintiff

Mr. D. C. Nath

Advocate for Defendants

Mr S. Saha

Advocate for proforma defendant no.1

Mr R. N. Das,

Government pleader for proforma def no.2 to 5

and having stood for consideration to this on the 21st day of
June, 2013 the Court delivered the following Judgment:

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21-5-2013
**Civil Judge,
Bongaigaon.**

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

1. This is a suit for for declaration of right, title and interest and for eviction and khas possession.

2. The case of the plaintiff is that the father of the proforma defendant no.1 was the owner and possessor of plot of land measuring 18 bighas 14 lecahs covered by dag no.84 and patta no.18 situated at village Nachankuri part I under Bijni Revenue circle. During the life time father of proforma defendant no.1 registered a WILL being no. 241 dated 21.11.1988 in favour of proforma defendant no.1 and his three sons bequeathing the land measuring 3 bighas 10 lechas to him. After the death of Ashiruddin Sheikh the entire plot of land have been inherited by proforma defendant no.1 by virtue of WILL and enjoyed the above plot of land uninterruptedly. On 4.9.1992 the proforma defendant no.1 executed the registered sale deed in favour of plaintiff, his son being registration no.87 and delivered possession of the plot of land measuring 1 bigha covered by dag no.84 and patta no.18 out of above plot of land and plaintiff was in occupation of the said land which is suit land till 23.5.1999. Further case of the plaintiff is that on 24.5.1999 the defendant no.2 and 3 attempted to take forcible possession over the suit land. But the plaintiff who was in possession of the suit land till 3.7.2003 on the request of defendant no.1 on god faith gave delivery of possession of the suit land to the defendant on the understanding that she should vacate the same as and when asked by the plaintiff. On 27.6.2007 the plaintiff asked the defendant to vacate the suit land for his personal requirement. Thereafter, on intervention of proforma defendant no.1 the defendant no.1 agreed to vacate the suit land within the first part of the year 2008. However, on 22.4.2008 proforma defendant no.3 on behalf of proforma defendant no. 2 and 4 circulated a letter being no. BLA-5/2003/Part-6/ dated 22.4.2008 with the captioned subject – compensation in respect of construction of National Highway to the pattadars of the said dag

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21-5-2013
Civil Judge,
Bongaigaon.

