

HIGH COURT FORM NO. (J) 2

HEADING OF JUDGMENT IN ORIGINAL SUIT

District: Bongaigaon

IN THE COURT OF MUNSIF, BONGAIGAON

Present: - Uttam Chetri

Saturday, the 19th day of March, 2016

Title Suit No. 46/2011

Sri Amar Brahma

Son of Sri Bhaben Ch. Brahma,

Resident of Village: Bhabanipur, P.O: Joypur.

P.S: Bijni, District: Chirang (BTAD), Assam

..... **Plaintiff**

Versus

- 1.** Sarba Siksha Abhijan School,
Situating at Gurunanak Nagar, Ward No. 13, Chapaguri Road,
North Bongaigaon, PO, PS and District: Bongaigaon, Assam
Represented by its Managing Committee being represented by
The President, Management Committee of Sarba Siksha Abhijan
School, situated at Gurunanak Nagar, Ward No.13, Chapaguri
Road North Bongaigaon, P.O., P.S. and District: Bongaigaon,
Assam
- 2.** The President
Management Committee of Sarba Siksha Abhijan School, situated
at Gurunanak Nagar, Ward No.13, Chapaguri Road North
Bongaigaon, PO, PS and District: Bongaigaon, Assam

3. The Secretary,
Management Committee of Sarba Siksha Abhijan School, situated
at Gurunanak Nagar, Ward No.13, Chapaguri Road North
Bongaigaon, PO, PS and District: Bongaigaon, Assam
4. The Headmaster,
Management Committee of Sarba Siksha Abhijan School, situated
at Gurunanak Nagar, Ward No.13, Chapaguri Road North
Bongaigaon, PO, PS and District: Bongaigaon, Assam

.....**Defendants**

1. The District Mission Coordinator,
Sarba Siksha Abhijan, Bongaigaon District, P.O., P.S. and District:
Bongaigaon, Assam
2. The Block Mission Coordinator
Sarba Siksha Abhijan, Bongaigaon District, P.O., P.S. and District:
Bongaigaon, Assam
3. The Chairman
Bongaigaon Development Authority, Bongaigaon P.O., P.S. and
District: Bongaigaon, Assam

.....**Pro forma defendants**

This suit coming on for final hearing on **20.01.16**, in the presence of

Advocate for the plaintiff: Sri Ajeet Kumar Jain

Advocate for the defendants: Sri Bikash Kumar Mahato

and having stood for consideration to this **19th day of March, 2016**, the
Court delivers the following judgment :-

J U D G M E N T

1. This is a suit for declaration, eviction, recovery of khas possession and injunction.

PLAINTIFF'S PLEA

2. The fact of the case as pleaded by the plaintiff is that he is the owner of a plot of land measuring 16 ½ lessas covered by Patta No. 173 (Old), 289 (New) and Dag No. 170/807 (Old), 576 (New) situated at Village: Dolaigaon Part I under Bongaigaon Revenue Circle in the district of Bongaigaon, Assam which he purchased from Sri Prahlad Ch. Mandal vide registered Sale Deed No. 1442/1638 dated 23.10.2009 (from here-in-after the aforesaid land will be referred to as suit land); that the defendant no. 1 and 2 are President and Secretary of the Management Committee of the Sarba Siksha Abhijan School situated at Gurunanank Nagar, Ward No. 13, Chapaguri Road, North Bongaigaon, P.O., P.S. and District: Bongaigaon, Assam, defendant no. 3 is the headmaster of the aforesaid school, pro forma defendant no. 1 is the overall in-charge of Bongaigaon District in respect of Sarba Siksha Abhijan, pro forma defendant no. 2 is working under the authority and control of the office of the pro forma defendant no. 1 at the block level and pro forma defendant no. 3 is over all in-charge and represents the Office of the Bongaigaon Development Authority; that soon after purchasing the suit land, the plaintiff took possession of the same on 23.10.2009 itself and in due course of time his name was mutated in respect of the suit land vide order passed in Mutation Case No. 335/2008-09 of the Assistant Settlement Officer, Bongaigaon; that although the plaintiff took possession of the suit land but he did not reside on the same, as he has a house in his native village at Bhabanipur; that the defendants by forming one school management committee in the name and style of '**Sarba Siksha Abhijan School Committee**' illegally and forcefully

encroached into the suit land on 25.12.2009 by breaking bamboo fencing situated therein, and constructed one Assam Type School House under the name and style of Sarba Siksha Abhijan School, Gurunanak Nagar, Municipal Ward No. 13 without notice and knowledge of the plaintiff and taking the advantage of the absence of the plaintiff in the suit premises; that on receiving the information regarding the illegal encroachment of the defendants in the suit land, the plaintiff on 30.12.2009 approached the defendants and requested them to vacate the suit premises, but the defendants refused to vacate the same denying plaintiff's right, title and interest over the suit land; that the defendants have been running the aforesaid school in the suit land illegally and forcefully without obtaining/having any valid permission or sanction from the office of the pro forma defendant nos. 1 and 2 or from pro forma defendant no. 3 or from any other competent authority; that the plaintiff has right, title and interest over the suit land and the defendants have no right, title and interest over the same, and are illegally occupying the same by constructing a school in the name and style of Sarba Siksha Abhijan School without having any authority or permission from the office of the pro forma defendants. The plaintiff, therefore, prays for the following reliefs:

- a) Decreeing the suit declaring that the plaintiff has right, title and interest over the suit land;
- b) Decreeing the suit declaring that the defendants have no right, title and interest over the suit land and are illegal trespassers thereof;
- c) Delivery of khas possession of the suit land to the plaintiff by evicting the defendants by demolishing structures of Sarba Siksha Abhijan School there-from;

- d) Permanent injunction restraining the defendants from disturbing the peaceful possession of the plaintiff over the suit land after delivery of khas possession to the plaintiff thereof;
- e) Cost of the suit, and;
- f) Any other relief/s that this Court may deem fit and proper.

DEFENDANT NO. 1 AND 2'S PLEA

3. The defendant no.1 and 2 contested the suit by filing their written statement. In their written statement, the defendant nos. 1 and 2 plead that the suit is bad for non-joinder of necessary parties as the defendant school being run and established under Sarba Siksha Mission of the Govt. of India through the State Government, the Union of India and State of Assam are necessary parties and their non-impleadment is fatal to the suit as per order 27 Rule 5A, and the suit is liable to be dismissed on that count only; that the suit is also bad for non-joinder of necessary parties as Prahlad Chandra Mandal, the vendor of the plaintiff has not been made a party and his non-impleadment is fatal to the suit; that the plaintiff has also not served notice to the public officers as mandated by Section 80 CPC and the suit is liable to be dismissed on that count also; that the defendants have established Sarba Siksha Abhijan School on the plot of land given by Sri Rameswar Choudhury and not on the land of the plaintiff as alleged; that the defendants have not encroached the land belonging to the plaintiff but have established the school on the plot of land given to them by Sri Rameswar Chowdhury; that the boundary of the school land and the land belonging to the plaintiff are not one and the same as alleged; that the defendants have purchased the suit land before the alleged purchase of the same by the plaintiff. The defendant no. 1 and 2, therefore, prays for dismissing the suit with costs.

PRO FORMA DEFENDANT NO. 3'S PLEA

4. The pro forma defendant no. 3 contested the suit by filing his written statement wherein he states inter alia that the suit is bad for mis-joinder of necessary parties as pro forma defendant no. 3 is neither a necessary party nor a proper party to the suit; that the defendants have not obtained any permission from the office of pro-forma defendant no. 3 for construction of RCC structures as alleged by the plaintiff in paragraph nos. 7 to 13 of the plaint. The pro-forma defendant no. 3, therefore, prays for striking out his name as pro-forma defendant no. 3 from the instant suit.

5. Be it stated herein that vide order dated 25.10.11, the suit was dismissed against defendant no. 4, vide order dated 17.02.12, the suit proceeded ex-parte against defendant no. 3 and vide order dated 13.07.12, the suit proceeded ex-parte against pro forma defendant nos. 1, 2 and 3.

6. After going through the pleadings of the parties, their documents on record and after hearing the submissions of the learned counsels appearing for both the parties, the following issues were framed by my learned predecessor.

ISSUES

- 1.** Whether there is any cause of action for the suit?
- 2.** Whether the suit is maintainable in its present form and manner?
- 3.** Whether the suit is bad for non-joinder of necessary parties?
- 4.** Whether the suit is hit by Section 80 of the CPC as well as order 27 Rule 5 A of CPC?

5. Whether the Sarba Siksha School was established on a plot of land given by Sri Rameswar Chowdury?

6. Whether the defendants have been running Sarba Siksha School since the year 1999 and the land has been possessing by the defendants?

7. Whether the plaintiff is entitled to get the decree?

8. Is there any other reliefs to which the plaintiff is entitled?

7. Vide order dated 13.09.13 my learned predecessor framed two additional issues which are as follows:-

9. Whether the plaintiff has right, title and interest over the suit land?

10. Whether the defendants are liable to be evicted from the suit land and the plaintiff is entitled to recover khas possession of the suit land?

8. The plaintiff has adduced evidence of himself as PW1, Ashok Basumatary as PW2, Dilip Mahanta as PW3 and Dipak Mandal as PW4. The defendants, on the other hand, have adduced evidence of Moni Koch as DW1, Geeta Das as DW2, Ratna Dey as DW3 and Rabindra Nath Brahma as DW4.

DISCUSSION, DECISION AND THE REASONS THERE OF

9. After conclusion of the evidence stage, I have heard the arguments of Sri Ajeet Kumar Jain, the learned counsel appearing for the plaintiff. None appeared for the defendants. The rival contentions have duly been considered and will be discussed at appropriate stage.

ISSUE NO.-1 Whether there is any cause of action for the suit?

10. The plaintiff has filed the present suit for declaration of his right, title and interest over the suit land and for eviction of the defendants therefrom on the grounds that defendants have illegally encroached into the suit land by constructing a school in the name and style of Sarba Siksha Abhijan Scool. The defendant nos. 1 and 2 who are the President and Secretary of the Management Committee of the Sarba Siksha Abhijan School, on the other hand, plead that they have not encroached the land belonging to the plaintiff but have constructed their school on the land purchased by them from one Sri Rameswar Chowdhury. Cause of action is a bundle of material fact which the plaintiff must allege and prove in order to succeed in his case. Thus the rival claims and contentions of both the parties disclose that there is a cause of action for filing the present suit by the plaintiff. The infraction of the alleged right of the plaintiff in the suit land by the defendants has given rise to the cause of action. Issue No. 1 is decided in affirmative in favour of the plaintiff.

11. DECISION: There is cause of action for the suit.

ISSUE NO. 3: Whether the suit is bad for non-joinder of necessary parties?

12. The defendant nos. 1 and 2 plead that the suit is bad for non-joinder of necessary parties as the defendant school being run and established under Sarba Siksha Mission of the Govt. of India through the State Government, the Union of India and State of Assam are necessary parties and their non-impleadment is fatal to the suit as per order 27 Rule 5A, and the suit is liable to be dismissed on that count only. The plaintiff,

on the other hand has pleaded that the defendants have been running the aforesaid school in the suit land illegally and forcefully without obtaining/having any valid permission or sanction from the office of the pro forma defendant nos. 1 and 2 or from pro forma defendant no. 3 or from any other competent authority. As such, non impleadment of Union of India or State of Assam is not fatal to the suit.

13. According to the legal maxim **affirmati non neganti incumbit probatio**, the burden of proving the existence of a fact lies on the person who claims or asserts its existence and not on the person who denies the same. In the present suit, the defendant nos. 1 and 2 are claiming that the suit is bad for non- joinder of necessary parties as the defendant school being run and established under Sarba Siksha Mission of the Govt. of India through the State Government, the Union of India and State of Assam are necessary parties and their non-impleadment is fatal to the suit as per order 27 Rule 5A. The plaintiff is simply denying the aforesaid claim. As such, it is incumbent on the defendant to prove the fact that defendant school has been established under Sarba Siksha Mission of the Govt. of India through the State Government.

14. DW1 in her cross examination has stated that **'we have not obtained any permission from the concerned authority for starting and building the school. I have not submitted any documents in this Court regarding the fact that the School which is being run by a Committee headed by me has been operating under Sarba Siksha Mission'**. DW2 in her cross examination has stated that **'I cannot say whether the Government has approved the school or not'**. DW3 in his cross examination has stated that **'I have not submitted any documents pertaining to the fact that the school is being run by Sarba Siksha Abhijan from 2002'**. DW4 has stated in his cross

examination that **'Exhibit A is the approval of the Ward Education Committee. We have not submitted any copy of the Govt. Notification entitling the Ward Education Committee to permit anyone to run the school.'** Thus none of the defence witnesses have substantiated the claim of defendant no. 1 and 2 in respect of the fact that defendant school has been established in the suit land under Sarba Siksha Mission of the Govt. of India through the State Government. Further, defendant no. 1 and 2 have also not submitted any documents in respect of the fact that the defendant school is being run and established under Sarba Siksha Mission of the Govt. of India through the State Government. The defendant nos. 1 and 2 having failed to do so, it is highly probable that the defendant school is being run without any permission from any authority of Sarba Siksha Mission. This being so, the plaintiff is not bound to implead Union of India or State of Assam and non-impleadment of the latter is, according to my considered view not fatal to the suit as they are neither necessary party nor proper party to the suit, and the suit can be disposed of effectively and completely by giving decision on the questions involved in the suit without their presence.

15. The defendant nos. 1 and 2 have also pleaded that the suit is also bad for non-joinder of necessary parties as Prahlad Chandra Mandal, the vendor of the plaintiff has not been made a party and his non-impleadment is fatal to the suit. In the present suit, the plaintiff has not claimed any relief from Prahlad Chandra Mandal, his predecessor in interest in the suit land. Thus according to my considered view, the dispute between the plaintiff and the defendant in the present suit can be effectively adjudicated upon even in the absence of Prahlad Chandra Mandal, as Prahlad Chandra Mandal is neither a necessary nor a proper party in the suit. Issue No. 3 is, accordingly, decided in negative in favour of the plaintiff.

16. DECISION: The suit is not bad for non-joinder of necessary parties.

ISSUE NO. 2 AND 4: Whether the suit is maintainable in its present form and manner?/ Whether the suit is hit by Section 80 of the CPC as well as order 27 Rule 5 A of CPC?

17. Issue No. 2 and 4 will be discussed together for the sake of convenience and to avoid repetitions in discussions. The defendant nos. 1 and 2 have pleaded that the present suit is not maintainable as the plaintiff has not served notices to pro forma defendant nos. 1, 2 and 3 who are public officers as mandated by Section 80 of the Civil Procedure Code. The defendant nos. 1 and 2 have further pleaded that the suit is not maintainable as the plaintiff has not complied with Order 27 Rule 5-A of the Civil Procedure Code by joining the Government as party to the present suit. In Issue No. 3, it has been held that non-impleadment of Union of India or State of Assam is not fatal to the suit as they are neither necessary party nor proper party to the suit, and the suit can be disposed of effectively and completely by giving decision on the questions involved in the suit without their presence as defendant nos. 1 and 2 could not prove that the defendant school has been established and run by procuring necessary permission from the authorities concerned of Sarba Sikha Mission. As the defendant school is ostensibly being run in the garb of a Government School funded by Sarba Sikha Mission, pro forma defendant nos. 1, 2 and 3 are, according to my considered view, neither necessary nor proper parties to the suit and, as such, serving notices to them as mandated by Section 80 of the Civil Procedure Code does not arise at all, and the present suit cannot be held non maintainable due to non service of notice to them. As pro forma defendant nos. 1, 2 and 3 are

not necessary or proper parties to the present suit, the Government is not required to be joined as a party to the suit either as mandated by Order 27 Rule 5-A civil Procedure Code.

18. DECISION: The suit is maintainable in its present form and manner and it is not hit by Section 80 of the CPC as well as Order 27 Rule 5 A of CPC.

ISSUE NO. 9: Whether the plaintiff has right, title and interest over the suit land?

19. The plaintiff claims right, title and interest over the suit land (plot of land measuring 16 ½ lessas covered by Patta no. 173 (Old), 289 (New) and Dag No. 170/807 (Old),576 (New) situated at Village: Dolaigaon Part I under Bongaigaon Revenue Circle in the district of Bongaigaon, Assam) on the strength of a registered Sale Deed No. 1442/1638 dated 23.10.2009 (Exhibit 5) which he claims to have been executed by Sri Prahlad Ch. Mandal conveying the suit land to the plaintiff on 23.10.2009. For substantiating his claim, the plaintiff has exhibited the certified copy of the registered Sale Deed bearing No. 1442/1638 dated 23.10.2009.

20. Section 64 of the Indian Evidence Act, 1872 provides that a document must be proved by primary evidence except in cases covered by the succeeding sections. In **Cement Corporation of India vs Purva (2004) 8 SCC 270**, it has been held by the Hon'ble Supreme Court that when a sale deed is required to be brought on record, the execution of the sale deed has to be proved and the original sale deed is required to be produced by way of primary evidence. Section 65 of the Indian Evidence Act, 1872 is, however, an Exception to Section 64. Section 65 enables proof of existence, conditions or contents of a document by secondary evidence

in the several contingencies referred to in clause (a) to (g) of Section 65 in the unavoidable absence of the best evidence i.e., the primary evidence as envisaged by Section 64. Conditions in Section 65 must be satisfied before secondary evidence can be given. It must be shown that there is or was a document in existence capable of being proved by secondary evidence and proper foundation is laid for reception of the same. The basic premise on which Section 65 rests is that the original document is not available for one of the reasons mentioned in the Section. It is a general and well known rule that no secondary evidence of a document can be received until an excuse such as the law deems sufficient, is given for non production of the primary evidence. Unless the conditions laid down in one of the seven clauses of the section is satisfied, no secondary evidence in lieu of primary evidence can be received. Before invoking the provisions of this Section, foundation must be laid for reception of secondary evidence by fulfilling the conditions in one or the other of the seven clauses.

21. In the present suit, the plaintiff has submitted the certified copy of the registered Sale Deed bearing No. 1442/1638 dated 23.10.2009 to prove his right, title and interest over the suit land. Sale Deed being a private document, needs to be proved by producing the original unless one of the conditions laid down in section 65 of the Indian Evidence Act is fulfilled for non production of the primary evidence in which case certified copy of the same can be received. The plaintiff has, however, neither filed the original Sale Deed bearing No. 1442/1638 dated 23.10.2009 nor satisfied the conditions laid down in one of the seven clauses of section 65 of the Indian Evidence Act before submitting the certified copy of the registered Sale Deed bearing No. 1442/1638 which is a secondary evidence of the original registered Sale Deed bearing No. 1442/1638 dated 23.10.2009. Thus the non production of original of Exhibit 5 (certified copy of Sale Deed bearing No. 1442/1638 dated 23.10.2009) having not been accounted for by the

plaintiff, the same is according to my considered view not admissible and the plaintiff cannot claim right, title and interest on the basis of a document which is not admissible in law. Thus the plaintiff not being able to prove his right, title and interest in the suit land with the help of cogent evidence, I am constrained to decide this issue in negative in favour of the defendants.

22. DECISION: The plaintiff has no right, title and interest over the suit land.

ISSUE NO. 10: Whether the defendants are liable to be evicted from the suit land and the plaintiff is entitled to recover khas possession of the suit land?

23. The plaintiff has alleged in his pleading that the defendants by forming one school management committee in the name and style of Sarba Siksha Abhijan School Committee illegally and forcefully encroached into the suit land on 25.12.2009 by breaking bamboo fencing situated therein and constructed one Assam Type School House under the name and style of Sarba Siksha Abhijan School, Gurunanak Nagar, Municipal Ward No. 13 without notice and knowledge of the plaintiff and taking the advantage of the absence of the plaintiff in the suit premises. The plaintiff also alleges that on receiving the information regarding the illegal encroachment of the defendants in the suit land, the plaintiff on 30.12.2009 approached the defendants and requested them to vacate the suit premises but the defendants refused to vacate the same denying plaintiff's right, title and interest over the suit land. The plaintiff has, however, not been able to substantiate his aforesaid claim with the help of any oral or documentary evidence. PW2 has stated in his evidence that **'he does not remember when the school dispossessed Amar'**. PW3 has stated that **'he don't know when the school dispossessed'**. PW4 has stated in his evidence

that **'he cannot say when the suit land was encroached by the school'**. Thus the plaintiff not having being able to substantiate his claim in respect of the illegal encroachment of the suit land by the defendants with the help of any independent evidence, it is highly probable that the defendant nos. 1 and 2 have not encroached the suit land on 25.12.2009 as alleged. Issue No. 10 is, accordingly, decided in negative in favour of the defendant nos. 1 and 2.

24. DECISION: The defendants are not liable to be evicted from the suit land and the plaintiff is not entitled to recover khas possession of the suit land.

ISSUE NO. 5 AND 6: Whether the Sarba Siksha School was established on a plot of land given by Sri Rameswar Chowdhury?/Whether the defendants have been running Sarba Siksha School since the year 1999 and the land has been possessing by the defendants?

25. The defendant nos. 1 and 2 have pleaded that Sarba Siksha School was established on the plot of land given to them by Sri Rameswar Chowdhury in the year 1999 and not on the plot of land of the plaintiff as alleged. The plaintiff has, however, denied the aforesaid fact. According to the legal maxim **affirmati non neganti incumbit probatio**, the burden of proving the existence of a fact lies on the person who claims or asserts its existence and not on the person who denies the same. As the defendants are asserting the fact of establishment of Sarba Siksha School on the plot of land given to them by Sri Rameswar Chowdhury and the aforesaid school being run by them in the suit land from the year 1999, it is incumbent on them to prove the aforesaid fact.

26. DW1 in her cross examination has stated that **'No gift deed relating to the land where the school is situated has been submitted in the Court. There are no documents pertaining to the land where the school is established. Rameshwar Chowdury has not given us any gift deed. We have not submitted any proof in respect of the fact that the school is possessing the suit land from the year 1999'**. DW2 has stated in her cross examination that **'although I have stated that school has been in possession of the plot of land given by Rameswar Choudhury from the year 1999 yet no documents pertaining to the same has been submitted in the Court.** DW3 has stated in her cross examination that **'Although I have stated that Rameswar Choudhury has gifted the land in which the school is situated, yet no documents relating to the same has been submitted in the Court'**. DW4 has stated in his cross examination that **'No documents relating to the fact that Rameswar Chowdury giving the land to the school has been submitted in the Court'**.

27. Thus defendant nos. 1 and 2 having not been able to substantiate their claim regarding the fact of establishment of Sarba Siksha School by them on the plot of land allegedly given to them by Sri Rameswar Chowdhury and their possession therein from the year 1999, it is highly probable that Sarba Siksha School was not established on a plot of land given by Sri Rameswar Chowdhury and the defendants are not running Sarba Siksha School since the year 1999 in the suit land by possessing the same. Issue No. 5 and 6 is, therefore, decided in negative in favour of the plaintiff.

28. **DECISION: Sarba Siksha School was not established on a plot of land given by Sri Rameswar Chowdhury and the defendants are not running Sarba Siksha School since the year 1999 in the suit land by possessing the same.**

ISSUE NO. 7 AND 8: Whether the plaintiff is entitled to get the decree?/Is there any other reliefs to which the plaintiff is entitled?

29. In Issue No. 9, it has been decided that the plaintiff has no right, title and interest over the suit land. In Issue No. 10, it has been decided that the defendants are not liable to be evicted from the suit land, and the plaintiff is not entitled to recover khas possession of the suit land. From the above discussions and decisions on issues, it is found that, the plaintiff has not succeeded in proving his case. As such, the plaintiff is not entitled to the decree as prayed for or any other relief or reliefs.

ORDER

From the above discussions and decisions on issues, it is found that the plaintiff has no right, title and interest in the suit land and the defendant nos. 1 and 2 are not liable to be evicted from the suit premises.

In the light of the above findings and directions, the suit is dismissed on contest with cost.

Prepare decree accordingly within fifteen days.

The operative part of the judgment is pronounced in the open court.

This judgment is pronounced in the open Court, which is given under my hand and seal of the Court, on this **19th day of March, 2016.**

(Uttam Chetri)
Munsiff, Bongaigaon

APPENDIX

A. Plaintiff's exhibits :

- Exhibit 1-** Original patta reflecting the name of Prahlad Mandal.
- Exhibit 2-** Original Sale deed no. 274 dated 25.04.1963
- Exhibit 3-** Land Holding Certificate dated 09.05.12
- Exhibit 4-** Certified copy of the Jamabandi reflecting the name of plaintiff.
- Exhibit 5-** Certified copy of the Sale deed dated 23.10.2009

B. Defendant's Exhibits:

- Exhibit A** Original copy of approval of Ward Education Committee issued by Deputy Inspector of Schools.
- Exhibit A (1)** Signature of Deputy Inspector of Schools
- Exhibit B** Minutes Book of members meeting Volume I
- Exhibit B (1) to B(19)** Other relevant pages of Minutes Book Volume I showing different meeting and resolutions adopted in the meeting
- Exhibit B (20)** Signature of Rameswar Chowdhury
- Exhibit C** Registers of Minutes Book of Members Meeting Volume II

**Exhibit C (1) to C (16) Other relevant pages of register
Book Volume II**

Exhibit D Register Book of Guardian Meeting

**Exhibit D (1) to D (15) Other relevant pages of register
book of Guardian meetings.**

C. Plaintiff's witnesses:

**PW1: Amar Brahma
PW2: Ashok Basumatary
PW3: Lakhi Mahanta
PW4: Dipak Mandal**

D. Defendant's witnesses :

**DW1: Moni Koch
DW2: Geeta Das
DW3: Ratna Dey
DW4: Rabindra Nath Brahma**

**(Uttam Chetri)
Munsiff, Bongaigaon**