

Form No.(J) 36

**DECREE ON APPEAL**

( Order 41,Rule 35, Civil Procedure Code)

**District :- BONGAIGAON**

**IN THE COURT OF THE CIVIL JUDGE, BONGAIGAON**

1. Sri Dinesh Ch. Das, 59 years, Hindu, Service, Caste - General  
S/O Late Rajani Kanta Das
2. Sri Durga Charan Das, age 57  
S/O Late Rajani Kanta Das
3. Smt. Taru Bala Das, age 70  
D/O Late Rajani Kanta Das
4. Smt. Hemlota Das, age 65  
D/O Late Rajani Kanta Das  
Legal Heirs of Late Dharendra Kumar Das
5. Smt. Ohallya Bala Das (wife) age 57
6. Sri Shaurav kumar Joddar (Son) age 25
7. Smt. Bhiba Joddar (Daughter) age 23
8. Sri Jyoti Kumar Joddar (son) age 19  
Village – Kumarkata, Part- II  
P.O.- Chalantapara, P.S.\_Jogighopa  
Dist.-Bongaigaon (Assam)  
7399777379

**-Versus-**

**Appellants**

1. The State of Assam  
Represented by The Deputy Commissioner  
Cum District Collector, Bongaigaon  
P.O.,P.S. & Dist.- Bongaigaon, Assam
2. Sri Bijoy Kumar Barman  
S/O Late Lankaram Barman
3. Sri Dhaneswar Barman  
S/O Sri Bijoy Kumar Barman  
Both are residents of village – Kumarkata, Part- II  
P.O.- Chalantapara, P.S.- Jogighopa  
Dist.- Bongaigaon, Assam

**Respondents**

**Title Appeal No. 11/2016** from the Judgment of **Title Suit No. 20/2011** of  
the Court of **Munsiff ,North Salmara, Abhayapuri** Dated the **27<sup>th</sup> Day of June/2016**  
This appeal coming on for hearing on **13.11.2017.**  
In the Court of the **Civil Judge, Bongaigaon** before **Smti. Mridu Chanda Bordoloi Civil**  
**Judge, Bongaigaon.** In the presence of

Mr. S.K.Sarkar

Mrs. Chandana Choudhury (Govt. Pleader)

and

Mr. Shah Alam

Advocate for the Appellants.

Advocate for the Respondent.

Advocate for the Respondent Nos. 2 & 3.

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**It is ordered that**

**Appeal stands dismissed on contest with costs.  
Judgment dated 27.6.2016 and decree dated  
19.7.2016 passed by the learned trial court in Title Suit  
No. 20/2011 is upheld and affirmed.**

The Cost of this Appeal as detailed below, amounting to Rs. **10,509.00**  
to be paid by Appellants

The cost of the original suit are to be paid by Plaintiffs

Given under my hand and seal of this Court on this 18<sup>th</sup> day of December/2017



*[Signature]*  
18/12/17  
Civil Judge,  
Bongaigaon.  
Civil Judge,  
Bongaigaon  
TR-12-17

\* Here Specify clearly the relief granted or other adjudication made see rule 134  
Col 1

### SCHEDULE OF THE LAND

#### SCHEDULE "A"

Bijni raj Estate tauji Land. A total land measuring 19 Bigha, 1 Katha, 12 Lessa having Tauji Hishab No. 35, Mouza- Shankarghola of Shakin- Kumrakata, Dihi-Jogokatani, stands in the name of Devi Charan Kalita ---the grandfather of the plaintiffs.

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
SCHEDULE "B" LAND (PART OF SCHEDULE "A" LAND)

Dist.- Bongaigaon, Revenue Circle :- Boitamari, Revenue Vill:- Kumrakata, Part-II a total land measuring 5 Bigha,4 Katha, 3 Lessa having its Dag No. 107, Myadi Kheraji Patta No. 35 bounded by -----  
North --- PWD Road and 'C' schedule land.  
South --- Khas Land.  
East --- Dhojen Ray.  
West --- Dhojen Ray

SCHEDULE "C" LAND SUIT LAND (PART OF SCHEDULE 'A'  
LAND CONTIGUOUS TO SCHEDULE 'B' LAND)

Dist.- Bongaigaon, Revenue Circle :- Boitamari, Revenue Vill:- Kumrakata, Part-II a total land measuring Dag No. 104; a total land measuring 1 Bigha,4 Katha bounded by -  
North --- PWD Road.  
South --- Own land of plaintiffs i.e. "B" schedule land & Dhojen Ray.  
East --- Plaintiffs "B" schedule land.  
West --- Govt. Khas land occupied by the defendants.

Within this boundary land a total land of 1 Bigha 4 Katha only.

  
18/12/17  
Civil Judge  
Bongaigaon  
  
18-12-17

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//4//  
**Cost Of Appeal**

Sl No	Appellant	Amount Rs. P.		Respondent	Amount Rs. P.
1	Stamp for memorandum of appeal	1659.10	1	Stamp for Power	1.10
2	Stamp for Power	1.10	2	Stamp for Petition & affidavit	3.30
3	Stamp for Petition & Affidavit	9.90	3	Service of Process	-
4	Service of Process	3.00	4	Pleader's Fee on Rs.30,000/-	10,000.00
5	Pleader's Fee on Rs.30,000/-	10,000.00	5	Other Costs	504.60
6	Other Costs	1.40			
Total Rs.		11,674.50		Total Rs.	10,509.00

The Parties should apply as soon as possible for the return of all exhibited which they may wish to preserve as they will be destroyed at the time prescribed by the High Court(Rule 430 at Sec. Vol. 1)

*Scm  
Allegedly  
CP  
22/12/17*

*Namita Deb  
Advocate for the Appellant  
22/12/17*

*Scm  
K. S. S. S. S.  
Advocate for  
Respondent  
2/1/18*

*18/12/17*  
Civil Judge,  
Bongaigaon.  
Civil Judge,  
Bongaigaon

*18-12-17*