

**Preliminary Decree for Partition.**  
DISTRICT : - Bongaigaon  
IN THE COURT OF CIVIL JUDGE AT BONGAIGAON.

**TITLE SUIT NO. 31/2012.**

1. Shri Yogendra Choudhury,  
Son of Late Prabhu Choudhury @ Singh,
2. Shri Rama Shankar Choudhury,  
Son of Late Prabhu Choudhury @ Singh,  
Permanent resident of village – Belaur,  
P.O. Belaur, P.S. Udwant Nagar,  
District – Bhojpur (Bihar).  
Present Address- C/o M/S SHARMA STORES,  
Main Road, Bongaigaon,  
P.O. Bongaigaon,  
P.S. Bongaigaon,  
District- Bongaigaon (Assam).

**PLAINTIFFS**

----VERSUS----

1. Surendra Choudhury,  
S/o Late Rameswar Choudhury,  
R/O. Village – Belaur,  
P.O. Belaur,  
P.S. Udwant Nagar,  
District – Bhojpur, (Bihar)
2. Shri Dinesh Choudhury,  
S.O. Late Rameswar Choudhury,
3. Smt. Krishna Devi,  
W/O- Late Umesh Choudhury,
4. Shri Rajendra Choudhury,  
Son of Late Hajari Prasad Choudhury @ Singh,
5. Shri Sudarshan Choudhury,  
Son of Late Daroga Choudhury
6. Shri Bimal Kumar Choudhury,  
Son of Late Daroga Choudhury

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7. Shri Manoj Kumar Choudhury,  
Son of Late Daroga Choudhury
  8. Shri Ravi Shankar Choudhury,  
Son of Late Daroga Choudhury
  9. Shri Pankaj Kumar,  
Son of Late Daroga Choudhury
- The Defendants named at Sl. No. 2 to 9 are  
Residents of Village – Belaur.  
P.O. Belaur,  
P.S. Udwant Nagar,  
District – Bhojpur, (Bihar)

**DEFENDANTS**

1. Smt. Damayanti Devi,  
Wife of Late Ramendra Choudhury  
Resident of Village – Belaur.  
P.O. Belaur,  
P.S. Udwant Nagar,  
District- Bhojpur (Bihar)
  2. Smti. Raj Kumari Devi, (Striken out vide order dated 26.11.2013)  
D/O Late Babanji Pathak,  
W/o Shashi Bhushan Pathak,
  3. Shri Raghvendra Pathak,  
Son of Shashi Bhusan Pathak
  4. Shri Dharendra Pathak,  
Son of Shashi Bhusan Pathak
  5. Shri Amrit Kr. Pathak,  
Son of Shashi Bhusan Pathak, and
  6. Shri Bibek Kr. Pathak,  
Son of Shashi Bhusan Pathak  
The Pro-forma Defendant No. 2 to 6 are residing at A.O.C.  
Road, Near Hariram Maheswari L.P. School, Bongaigaon  
town, P.O. & P.S. Bongaigaon, District Bongaigaon, Assam.
- Proforma Defendant No. 7 (Added vide order dated 26.11.2013)
7. Shashi Bhusan Pathak,  
A.O.C. Road,  
Near Hariram Maheswari L.P. School,

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Bongaigaon town,  
P.O. & P.S. Bongaigaon,  
District Bongaigaon, Assam

- Proforma Defendants added vide order dated 21.01.2016)
8. Smt. Rita Devi, daughter of Late Ramendra Choudhury,
  9. Smt. Gita Devi, daughter of Late Ramendra Choudhury
  - 10.Smt. Anita Devi, daughter of Late Ramendra Choudhury
  - 11.Smt. Sunita Devi, daughter of Late Ramendra Choudhury
  - 12.Smt. Mamta Devi, daughter of Late Ramendra Choudhury
  - 13.Smt. Rekha Devi @ Guri Devi, daughter of Late Ramendra Choudhury
  - 14.Smt. Runi Devi, daughter of Late Ramendra Choudhury
  - 15.Smt. Padma Devi @ Chema Devi, daughter of Late Ramendra Choudhury
  - 16.Smt. Minki Devi @ Miki Devi, daughter of Late Ramendra Choudhury
  - 17.Smt. Soni Devi @ Soni Kumari, daughter of Late Ramendra Choudhury

**All are residents of village Belaur (Paschim Patti), P.O. Belaur,  
P.S. Unwantnagar, District Bhojpur, Bihar, Pin- 802206**

18. Smt. Siyabati Devi, wife of Late Rameswar Choudhury,
- 19.Smt. Shakuntala Devi, daughter of Late Rameswar Choudhury,
- 20.Smt. Manju Devi, daughter of Late Rameswar Choudhury
- 21.Smt. Maya Devi, daughter of Late Rameswar Choudhury
- 22.Shri Chandan Choudhury, son of Late Umesh Choudhury
23. Smt. Priya Devi, daughter of Late Umesh Choudhury
- 24.Smt. Puja Kumari, daughter of Late Umesh Choudhury

**All are residents of village Belaur (Paschim Patti), P.O. Belaur,  
P.S. Unwantnagar, District Bhojpur, Bihar, Pin- 802206**

- 25.Smt. Trilok Tarni Devi @ Tunna Choudhury, wife of Late Daroga Choudhury,
  - 26.Smt. Shail Kumari Devi, daughter of Late Daroga Choudhury
  - 27.Smt. Meena Devi, daughter of Late Daroga Choudhury
  - 28.Smt. Pinki Devi, daughter of Late Daroga Choudhury
- All are residents of village Maharaja Hat, Arrah, P.O. Nawada  
Arrah, District Bhojpur, Bihar Pin -802301

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29. Smt. Suraj Kumari Devi, daughter of Late Ganesh Choudhury,  
Resident of village Belaur (Paschim Patti), P.O. Belaur,  
P.S. Unwantnagar, District Bhojpur, Bihar, Pin- 802206
30. Smt. Kamini Kumari, daughter of Shri Rama Shankar Choudhury,  
Resident of Mission Road Pakri, Arrah  
Near Gas Agency, Pakri (Choudhury Niwas)  
P.O. Nawada Arrah, District Bhojpur,  
Bihar, Pin- 802301
31. Smt. Raj Kumari Devi, wife of Professor N.K.Singh  
Daughter of Late Ram Lakhan Choudhury,  
Resident of Hari Jee Hata, Arrah  
P.O. Nawada Arrah, District Bhojpur,  
Bihar, Pin- 802301
32. Professor Champa Devi, wife of Shri Rajeswar Tiwari  
Daughter of Late Ram Lakhan Choudhury,  
Resident of Hari Jee Hata, Arrah  
P.O. Nawada Arrah, District Bhojpur,  
Bihar, Pin- 802301
33. Smt. Arati Devi, wife of Shri Sushil Tiwari  
Daughter of Late Ram Lakhan Choudhury  
C/o- Professor N.K.Singh,  
Resident of Hari Jee Hata, Arrah  
P.O. Nawada Arrah, District Bhojpur,  
Bihar, Pin- 802301

**PROFORMA-DEFENDANTS**

CLAIM FOR:- **Suit for declaration of right, title, interest, confirmation of possession and for affecting legal partition in the suit properties partitioning 1/4<sup>th</sup> share of suit properties in favour of the Plaintiffs and Pro-forma Defendant valued at Rs. 11,75,000/- and fixed court fee is paid thereon.**

This suit coming on this 6-12-2017 day for disposal before Smt. Mridu Chanda Bordoloi, Civil Judge, Bongaigaon in the presence of Mr. K. Raza advocate for the Plaintiffs and Mr. D.S. Haque advocate for the Defendants and Mr. S.Kr. Sarkar advocate for the Proforma-Defendants No. 3, 4, 5 & 6.

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**It is declared that** Plaintiff suit is decreed on contest without costs.

It is hereby decreed and declared that plaintiff alongwith defendants, proforma-defendants have right, title, interest over the suit lands.

It is hereby declared that plaintiffs and proforma-defendant No. 1 are entitled to 1/4<sup>th</sup> share jointly in the property mentioned in Schedule A(I), B(I) and C(I) to the plaint.

It is also decreed and declared that plaintiff is entitled to partition of the suit properties as per the shares declared hereinabove and to secure separate patta in respect of their shares received on partition. It is further decreed that plaintiff would be entitled to permanent injunction restraining the defendants from disturbing the plaintiff's possession over their share, in the suit properties secured on partition.

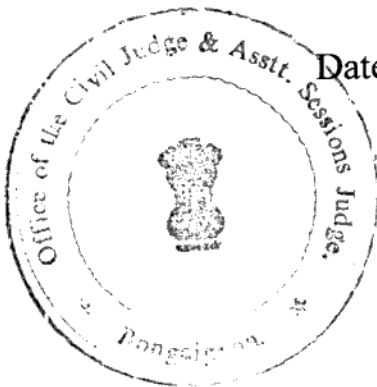
Parties to bear their own costs.

District Collector Bongaigaon, is to make partition of the suit land as per metes and bounds, on the basis of the shares declared hereinbefore as per provisions of Section 54 of the Code of Civil Procedure, confirm possession and to correct the land records accordingly and to submit compliance report for drawing up final decree.


Issue precept accordingly.

And it is hereby decreed that a partition be made of the aforementioned (movable and) immovable property, and it is ordered that a commission do issue directed to a commissioner to be therein named, to make a partition or separation of the same according to the rights of the parties as herein before declared, and that, as regards the immovable property, he do make the same by metes and bounds and award sums to be paid for the purpose of equalizing the shares, where he shall see occasion.

And the further hearing of this case is adjourned, and the parties are to be at liberty to apply to this court from time to time as they may be advised.



Dated this 18<sup>th</sup> day of December /2017

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

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**Description of the Suit Properties**  
**SCHEDULE "A"**

Name of Present Pattadar : RAJ DAYAL CHOUDHURY, PRABHU SINGH  
@ CHOUDHURY AND HAJARI SINGH @ CHOUDHURY

The plot of land measuring 1 (one) Bigha- 4(four) Kathas- 16(sixteen) Lechas in total, covered under Patta No. 865 & 1085, Dag No. 13 & 14, comprising of two contiguous plots of land i.e. the plot of land measuring 1 Bigha- 1 Katha- 1 Lecha, covered under Patta No. 865, Dag No. 13 and the plot of land measuring 3 Katha- 15 Lechas, covered under Patta No. 1085, Dag No. 14, alongwith R.C.C. building and Assam type residential/commercial structures standing thereon, tentatively valued at Rs. 20 Lakhs (Rupees twenty lakhs) approximately, situated in Bongaigaon town Part-V under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

NORTH : Legal heirs of Late Narayanmal Maheswari

SOUTH : Legal heirs of Gauri Shankar Karmakar

EAST : PWD Main Road

WEST : Legal heirs of Lt. Narayanmal Maheswari & Defendant No. 4 to 9

**SCHEDULE "B"**

**Name of Pattadars** : RAJ DAYAL CHOUDHURY

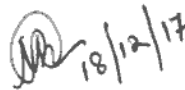
The plot of land measuring 3 (three) Kathas- 14(fourteen) Lechas, out of the total plot of land measuring 1 Bigha- 2 Katha- 8 Lechas, alongwith RCC building & Assam Type residential structures standing thereon, which is covered by of Patta No. 867 & 892, Dag No. 16 & 17, tentatively valued at Rs. 10 (ten) Lakhs (Rupees ten lakhs) approximately, situated in Bongaigaon town Part-V under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

NORTH : HariramMaheswari School/Legal heirs of Late Narayanmal Maheswari

SOUTH : Legal heirs of Late Babanji Pathak;

EAST : Plot of Plaintiffs, Pro-forma Defendant & Defendant No. 4 to 9

WEST : Road.

  
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**SCHEDULE-C**

Name of Pattadars : JOGENDRA PRASAD CHOUDHURY, SURENDRA PRASAD CHOUDHURY, RAJ DAYAL CHOUDHURY, RAMESWAR CHOUDHURY RABINDRA CHOUDHURY, HAJARI CHOUDHURY & PRABHU CHOUDHURY.


A plot of land measuring 3 (three) Kathas- 11(eleven) Lechas, in total, covered under Patta No. 162, Dag No. 135 & 136, comprising of two contiguous plots of land i.e. the plot of land measuring 3 Kathas, covered under Patta No. 162, Dag No. 136 and the plot of land measuring 11 Lechas, covered under Patta No. 162, Dag No. 135, alongwith R.C.C. residential/commercial structures standing thereon, which is tentatively valued at Rs. 17 (Rupees Seventeen lakhs) approximately, situated in Bongaigaon town Part-VI under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

NORTH : Railway Land ;  
 SOUTH : Plot of Ganga Prasad Upadhyay  
 EAST : A.O.C. Road  
 WEST : Plot of Narendra Rajbanshi.

**UNDIVIDED 1/4<sup>th</sup> SHARE OF PLAINTIFFS and PRO-FORMA  
 DEFENDANT IN THE SUIT PROPERTIES**

**SCHEDULE "A(i)"**

The 25 % (1/4<sup>th</sup> ) share in the plot of land measuring 1 (one) Bigha- 4(four) Kathas- 16(sixteen) Lechas in total, covered under Patta No. 865 & 1085, Dag No. 13 & 14, comprising of two contiguous plots of land i.e. the plot of land measuring 1 Bigha- 1 Katha- 1 Lecha, covered under Patta No. 865, Dag No. 13 and the plot of land measuring 3 Katha- 15 Lechas, covered under Patta No. 1085, Dag No. 14, alongwith R.C.C. building and Assam type residential/commercial structures standing thereon, tentatively valued at Rs. 5 Lakhs (Rupees five lakhs) approximately, situated in Bongaigaon town Part-V under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

  
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NORTH : Plot of Defendant No. 1, 2 and 3

SOUTH : Plot of Defendant No. 4 to 9

EAST : PWD Main Road

WEST : Plot of Defendant No. 4 to 9

**SCHEDULE "B(i)"**

The 25 % (1/4<sup>th</sup>) share in the plot of land measuring 3 (three) Kathas- 14(fourteen) Lechas, out of the total plot of land measuring 1 Bigha- 2 Katha- 8 Lechas, alongwith RCC building & Assam Type residential structures standing thereon, which is covered by of Patta No. 867 & 892, Dag No. 16 & 17, tentatively valued at Rs. 2.50 Lakhs (Rupees two lakhs fifty thousand) approximately, situated in Bongaigaon town Part-V under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

NORTH : HariramMaheswari School/Legal heirs of Lt. Narayanmal Maheswari

SOUTH : Legal heirs of Late Babanji Pathak;

EAST : Plot of Defendant No. 1, 2 and 3

WEST : Road.

**SCHEDULE "C" (i)**

The 25 % (1/4<sup>th</sup>) share in the plot of land measuring 3 (three) Kathas- 11(eleven) Lechas, in total, covered under Patta No. 162, Dag No. 135 & 136, comprising of two contiguous plots of land i.e. the plot of land measuring 3 Kathas, covered under Patta No. 162, Dag No. 136 and the plot of land measuring 11 Lechas, covered under Patta No. 162, Dag No. 135, alongwith R.C.C. residential/commercial structures standing thereon, which is tentatively valued at Rs. 4.25 Lakhs (Rupees four lakhs twenty five thousand) approximately, situated in Bongaigaon town Part-VI under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

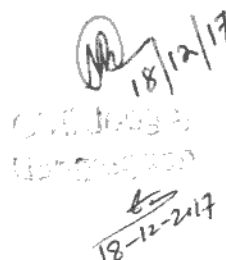
NORTH : Plot of Defendant No. 1, 2 & 3

SOUTH : Plot of Ganga Prasad Upadhyay

EAST : A.O.C. Road

WEST : Plot of Narendra Rajbanshi.

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**UNDIVIDED 1/4<sup>th</sup> SHARE OF DEFENDANT NO. 1, 2 AND 3 IN THE SUIT**  
**PROPERTIES**

**SCHEDULE "A(ii)"**


The 25 % (1/4<sup>th</sup>) share in the plot of land measuring 1 (one) Bigha- 4(four) Kathas- 16(sixteen) Lechas in total, covered under Patta No. 865 & 1085, Dag No. 13 & 14, comprising of two contiguous plots of land i.e. the plot of land measuring 1 Bigha- 1 Katha- 1 Lecha, covered under Patta No. 865, Dag No. 13 and the plot of land measuring 3 Katha- 15 Lechas, covered under Patta No. 1085, Dag No. 14, alongwith R.C.C. building and Assam type residential/commercial structures standing thereon, tentatively valued at Rs. 5 Lakhs (Rupees five lakhs) approximately, situated in Bongaigaon town Part-V under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

NORTH : Legal heirs of Late Narayanmal Maheswari  
SOUTH : Plot of Plaintiffs and Pro-forma Defendant  
EAST : PWD Main Road  
WEST : Legal heirs of Narayanmal Maheswari & Road

**SCHEDULE "B(ii)"**

The 25 % (1/4<sup>th</sup>) share in the plot of land measuring 3 (three) Kathas- 14(fourteen) Lechas, out of the total plot of land measuring 1 Bigha- 2 Katha- 8 Lechas, alongwith RCC building & Assam Type residential structures standing thereon, which is covered by of Patta No. 867 & 892, Dag No. 16 & 17, tentatively valued at Rs. 2.50 Lakhs (Rupees two lakhs fifty thousand) approximately, situated in Bongaigaon town Part-V under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

NORTH : HariramMaheswari School/Legal heirs of Lt. Narayanmal Maheswari  
SOUTH : Legal heirs of Late Babanji Pathak;  
EAST : Plot of Defendant No. 4 to 9  
WEST : Plot of Plaintiffs & Pro-forma Defendant

  
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**SCHEDULE "C" (ii)**

The 25 % (1/4<sup>th</sup>) share in the plot of land measuring 3 (three) Kathas- 11(eleven) Lechas, in total, covered under Patta No. 162, Dag No. 135 & 136, comprising of two contiguous plots of land i.e. the plot of land measuring 3 Kathas, covered under Patta No. 162, Dag No. 136 and the plot of land measuring 11 Lechas, covered under Patta No. 162, Dag No. 135, alongwith R.C.C. residential/commercial structures standing thereon, which is tentatively valued at Rs. 4.25 Lakhs (Rupees four lakhs twenty five thousand) approximately, situated in Bongaigaon town Part-VI under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:


NORTH : Plot of Defendant No. 4 to 9  
SOUTH : Plot of Plaintiffs and Pro-forma Defendant  
EAST : A.O.C. Road  
WEST : Plot of Narendra Rajbanshi.

**UNDIVIDED ½ SHARE OF DEFENDANT NO. 4, 5, 6, 7, 8 AND 9 IN THE  
SUIT PROPERTIES**

**SCHEDULE "A(iii)"**

The 50 % (½) share in the plot of land measuring 1 (one) Bigha- 4(four) Kathas- 16(sixteen) Lechas in total, covered under Patta No. 865 & 1085, Dag No. 13 & 14, comprising of two contiguous plots of land i.e. the plot of land measuring 1 Bigha- 1 Katha- 1 Lecha, covered under Patta No. 865, Dag No. 13 and the plot of land measuring 3 Katha- 15 Lechas, covered under Patta No. 1085, Dag No. 14, alongwith R.C.C. building and Assam type residential/commercial structures standing thereon, tentatively valued at Rs. 10 Lakhs (Rupees ten lakhs) approximately, situated in Bongaigaon town Part-V under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

NORTH : Plot of Plaintiffs and Pro-forma Defendant  
SOUTH : Legal heirs of Gauri Shankar Karmakar  
EAST : PWD Main Road  
WEST : Defendant No. 4 to 9

  
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**SCHEDULE "B(iii)"**

The 50 % (½) share in the plot of land measuring 3 (three) Kathas- 14(fourteen) Lechas, out of the total plot of land measuring 1 Bigha- 2 Katha- 8 Lechas, alongwith RCC building & Assam Type residential structures standing thereon, which is covered by of Patta No. 867 & 892, Dag No. 16 & 17, tentatively valued at Rs. 5.00 Lakhs (Rupees five Lakhs) approximately, situated in Bongaigaon town Part-V under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

NORTH : HariramMaheswari School/Legal heirs of Lt. Narayanmal Maheswari

SOUTH : Legal heirs of Late Babanji Pathak;

EAST : Plot of Plaintiffs, Pro-forma Defendant & Defendant No. 4 to 9

WEST : Plot of Defendant No. 1, 2 and 3

**SCHEDULE "C" (iii)**

The 50 % (½) share in the plot of land measuring 3 (three) Kathas- 11(eleven) Lechas, in total, covered under Patta No. 162, Dag No. 135 & 136, comprising of two contiguous plots of land i.e. the plot of land measuring 3 Katha, covered under Patta No. 162, Dag No. 136 and the plot of land measuring 11 Lechas, covered under Patta No. 162, Dag No. 135, alongwith R.C.C. residential/commercial structures standing thereon, which is tentatively valued at Rs. 8.50 Lakhs (Rupees eight lakhs fifty thousand) approximately, situated in Bongaigaon town Part-VI under P.S. & Sub-registry office Bongaigaon, Revenue Circle Bongaigaon, within the District of Bongaigaon, Assam, which is bounded as follows:

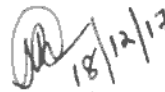
NORTH : Railway Land

SOUTH : Plot of Defendant No. 1, 2 and 3

EAST : A.O.C. Road

WEST : Plot of Narendra Rajbanshi.

**Note : Schedule A(i), A(ii) and A(iii) are part and parcel of Schedule-A of the suit properties, similarly, Schedule – B(i), B (ii) and B (iii) are the part and parcel of Schedule – B of the suit properties and Schedule C(i), C(ii) and C(iii) are the part and parcel of Schedule-C of the suit properties.**

  
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Cost of Suit

Sl. No	Plaintiff	Rs.	P.	Sl No	Defendant	Rs.	P.
1.	Stamp of plaint	40	00	1.	Stamp for power	3	30
2.	Stamp for power	2	20	2.	Stamp for petition & Affidavit	37	40
3.	Stamp for petition & Affidavit	25	30	3.	Cost for exhibits including Copies made under the Bankers Books Evidence Act.1891		
4.	Cost for exhibits including Copies made under the Bankers Books Evidence Act.1891			4.	Pleaders fee on Rs. 11,75,000/-	10000	00
5.	Pleaders fee on Rs.11,75,000/-	10000	00	5.	Subsistence and travelling Those of party if allowed by Judge		
6.	Subsistence and travelling Those of party if allowed by Judge			6.	Process fee		
7.	Process fee			7.	Commissioner's fee		
8.	Commissioner's fee			8.	Demi paper	22	20
9.	Demi Paper	7	00	9.	Cost of transmission of records		
10.	Cost of transmission of records			10.	Other cost allowed under the Code of Civil Rules and Orders.		
11.	Other cost allowed under the Code of Civil Rules and Orders.			11.	Adjournment cost not paid in cash (to be added or deducted on the case maybe).		
12.	Adjournment cost not paid in cash (to be added or deducted as the case maybe).						

Total Rs. 10,074 .50

Total Rs. 10,062 .90

*Sem*  
K. Anand  
(Advocate for the Plaintiff)  
21/12/2017

San  
Nabada  
Chaturvedi  
Advocate for  
Defendant  
11.18.2017  
A.S. Bhatnagar  
Adv-va  
left.

*18/12/17*  
Civil Judge  
Bongaigaon  
Civil Judge,  
Bongaigaon  
*18-12-2017*