

Total - 55 Pages -
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DISTRICT- LOHARDAGA.

In The Court of Archana Kumari Civil Judge (S.D.)-II, Lohardaga

Present: Archana Kumari
Civil Judge (Sr.Division.) -II., Lohardaga
Lohardaga, dated the 30th day of November, 2022

Original Suit-40/2014
CNR No.JHLH02-000028-2014

1. Parmeshwar Oraon

2. Agdeo Oraon

Both sons of Late Anandpal Oraon

Both R/o village-Juriya, PS-+ Distt.-Lohardaga

..... Plaintiffs

Versus

1. Sheodayal Oraon S/O Late Jagatpal Oraon

2(a). Mangal Deo Oraon S/O Late Ramdayal Oraon

3. Karamdayal Oraon S/O Late Jagatpal Oraon

4. Mahipal Oraon S/O Late Sukru Oraon

5. Smt. Madhu Bhagat W/O Sri Shankar Bhagat

R/o village-Juriya, PS+Distt.-Lohardaga

6. Sheoram Oraon S/O Late Poteya Oraon



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R/o village-Arkosa, Porhatoli, PS+Distt.-Lohardaga.

7. The Deputy Commissioner, Lohardaga Defendants

On behalf of Plaintiffs: Sri B.K.N.Tiwary, Ld. Advocate.

On behalf of defendant : Sri K.S.Pandey, Ld. Advocate.

JUDGMENT

1. The Plaintiff has filed this suit to declare the raiyati right, title, interest over the suit land i.e. schedule 'A' in favour of the plaintiff. Further to declare that sale deed no. 1532 and 1533 dated 19.07.13 executed in favour of defendants no. 5 and 6 by Jagatpal Oroan as a farzy, sham, colourable and ab-inition, void and not binding upon the plaintiff.
2. The suit of the plaintiff, in brief, is that plaintiffs and defendants no. 1 to 6 are by caste Oroan governed by their Oroan customary law in the matter of inheritance, succession and in all other matter. It is further submitted that lands appertaining to RS Khata no. 215 bearing plot no. 464 area 30 decimals (out of total area 60 decimals corresponding to new survey khata no. 83, plot no. 523 area 30 decimals (out of total area 60 decimals) of village-Juria, Thana No. 197, P.S.-Lohardaga, Dist-Lohardaga, morefully and particularly described in schedule-A below at the foot of the plaint herein called "Suit land". It is further submitted that Sukra son of Late Jalha Oroan was the common ancestors of plaintiffs and defendants no. 1 and 2. It is further submitted that Sukra Oraon died leaving behind two sons namely Mahipal Oraon and Agdeo Oraon as his legal heirs and successors. It is further submitted that Agdeo Oraon died some time in the year 1970 leaving

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behind two sons namely Jagatpal Oraon and Anandpal Oraon. It is further submitted that Anandpal Oraon also died leaving behind two sons Parmeshwar Oraon and Agdeo Oraon. Jagatpal Oraon died on 10.08.2014 leaving behind three sons namely Sheodayal Oraon, Ramdayal Oraon and Karmadayal Oraon. It is further submitted that defendant no. 4 is the descendants of Mahipal Oraon. The relationship of plaintiff and defendant no. 1 to 4 with common ancestor is evident from genealogical table appended at the foot of the plaint in schedule-B. It is further submitted that R.S. record of right for the suit lands stands recorded in the name of Sukru Oraon son of Late Jalha Oraon. It is further submitted that new survey record of right is prepared in the name of Jagatpal Oraon, Anandpal Oraon both sons of Agdeo Oraon, Mahipal Oraon son of Sukru Oraon. It is further submitted that after death of Sukru Oraon son of Late Jalha Oraon his sons namely Agdeo Oraon and Mahipal Oraon had partitioned their ancestral property according to customs and usage. The lands under Khata no. 215, plot no. 464 area 60 decimals falls in the share of Agdeo Oraon. They were in peaceful possession over their respective shares. The partition was acted upon both the brothers, however no any document of partition was prepared and therefore new survey Khatiyani for the suit lands is jointly prepared in the name of Jagatpal Oraon and Anandpal Oraon both sons of Agdeo Oraon and Mahipal Oraon son of Sukru Oraon. It is further submitted that Agdeo Oraon died prior to the new survey operation and his two brothers Jagatpal Oraon and Anandpal Oraon have partitioned their ancestral property by family arrangement. The half share of RS Plot no. 464, area 30 decimals on

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the Western portion falls in the share of Jagatpal Oraon and half share area 30 decimals in the eastern portion of plot falls in the share of Anandpal Oraon. The partition was acted upon between both the brothers. It is further submitted that Anandpal Oraon died in the year 2005. After death of Anandpal Oraon plaintiffs are in peaceful possession over the suit lands. It is further submitted that in the year 1991 Jagatpal Oraon had sold 30 decimals bearing R.S. Plot No. 464 in favour of Laxmaniya Tirkey wife of Etwā Bhagat through registered deed of sale vide sale deed no. 1552 dated 07.09.91. It is further submitted that no any share of Jagatpal Oraon remains over the R.S. Plot No. 464 after executing the registered deed in favour of Laxmaniya Tirkey. It is further submitted that since after the family arrangement the said Anandpal Oraon had been exclusively holding and possessing the suit land. The plaintiffs inherited the suit land by way of inheritance and succession. The plaintiff raised boundary wall over the suit land. It is further submitted that the area around the suit land by this time had sufficiently developed and it has assured importance because of its location and it has a great business potential. The suit land has been in exclusive peaceful possession of the plaintiff. It is further submitted that the plaintiff has thus got right, title, interest and continuous possession over the same openly and adversely to the notice and knowledge of all concerned including the defendants. It is further submitted that suddenly in the month of May 2014 plaintiff came to know that defendant no. 5 and 6 had obtained a fictitious, sham and farzy sale deed executed by Jagatpal Oraon by registered sale deed no. 1532 dated 19.07.2013 and deed no. 1533 dated

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19.07.13, registered in the office of the Sub Registrar, Lohardaga. It is further submitted that the plaintiff immediately obtained the certified copies of the said farzy sale deed dated 19.07.13 and on perusal of the sale deed, the plaintiff found that there had been false representation and description even in the recitals of the sale deed. It has been further mentioned wrongly that the suit land was in possession of defendant no. 1. It is further submitted that Jagatpal Oraon had obtained sanction from the Court of SDO, Lohardaga U/s 46 of C.N.T. Act vide permission case no. 421/12-13 order dated 31.05.2013, fraudulently and by suppressing the facts. The report of Circle Officer, Lohardaga is not correct. The order dated 31.05.13 passed in the said permission case is not binding upon the plaintiffs, the plaintiffs were not made party in the aforesaid permission cases. It is further submitted that the said deeds are fraudulent and malafide nature of the Jagatpal Oraon and defendant no. 5 and 6 and the same is sham and farzy. It is further submitted that neither the defendant no. 1 to 4 have any right, title, interest or possession over the suit land nor any such colourable and fraudulent paper transaction in favour of the defendant no. 5 and 6 can confer or create any right, title, interest in favour of the defendant no. 5 and 6. The said sale deeds are thus fraudulent, colourable and a sham and ab-initio, void. The same also cannot in any way effect the legal and indefeasible right, title and exclusive continuous possession of the plaintiffs for more than 40 years. It is further submitted that it is specially mentioned that after the family arrangement between sons of Agdeo Oraon about 40-50 years ago, the defendant no. 1 to 4 had never any concern or interest or

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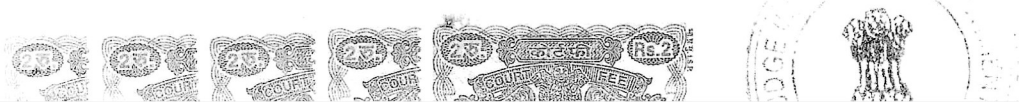


possession over the suit land nor on the basis of such sham transaction the defendant no. 5 and 6 can not set their feet over the suit lands. It is further submitted that on dated 10.05.2014 the defendant nos. 5 and 6 on the basis of said fictitious sale deeds entered into the suit land illegally and forcibly they started to construct foundation for house. The plaintiff raised objection and made an application U/s 144 Cr.P.C. in the Court of S.D.O. Lohardaga for which a proceeding vide M. Case No. 125/14 was started and the same was dropped after expiry of statutory period. It is further submitted that plaintiff approached the defendants and requested them not to enter into any such foul game and not to lay false and frivolous claim over the suit land but their request have not been heeded upon the defendants have been still continuing with their malicious claim. The plaintiff have no other alternative remedy and have thus been advised to file this suit. It is further submitted that the deliberate malicious attempt of said defendant would also lead to multiplicity of the legal proceeding. It is further submitted that in such circumstances the defendant are liable to be permanently restrained from creating any disturbance on the right, title, interest and possession of the plaintiff and from making any claim whatsoever on the basis of said farzy and fictitious sale deeds. It is further submitted that the plaintiffs shall suffer irreparable loss and injury if the defendants succeed in their plan to forcibly dispossess the plaintiffs and such injury can not be compensated in terms of money. It is further submitted that the cause of action for the suit arose within the jurisdiction of this court on 19.07.2013 when the said fictitious and colourable sale deeds were executed in favour of defendants no. 5 and 6

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by father of defendant no. 1 to 3 and on dated 10.05.14, when the said fact was known to the plaintiffs and thereafter on subsequent dates when plaintiff requested defendants not to make any farzy claim and entered into malafide scheme and to create any disturbance in the peaceful possession and right of ownership over the suit lands which exclusive belong to the plaintiff, but the defendant have not stopped their malafide mission and finally on dated 22.07.2014 when proceeding U/s 144 of C.P.C. vide M. Case no. 125/14 is dropped with observation that dispute between parties can be decided in competent civil Court and defendants again tried to dispossess the plaintiff from the suit lands. It is further submitted that there is no any claim sought against defendant no. 4 however, he is⁷ made party to the suit, since he is descendant of recorded raiyat Mahipal Oraon son of Sukru Oraon. The defendant no. 7 is made party to suit as statutory defendant, no any relief is claimed against defendant no. 57. It is further submitted that the plaintiffs valued the suit at Rs. 14,60,000/- for the purpose of court fees and jurisdiction and for relief 'C' advolerum court fees has been paid thereon. It is further submitted that the plaintiffs pray for following relief or reliefs-

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- a) That a decree be passed declaring that the plaintiff have got exclusive right, title and interest over the suit land.
- b) A decree be passed confirming the plaintiffs possession over the suit property and alternatively if it found that the plaintiffs have been dispossessed from any portion of the suit land by any act of force or violence of the defendants a decree be passed for delivery of possession in favour of plaintiffs.



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- c) A decree to be passed declaring the said registered deed of sale dated 19.07.13 being deed no. 1532 and 1533 in favour of defendant no. 5 and 6 respectively executed by Jagatpal Oraon as a farzy, sham, colourable and ab-intio, void and not binding upon the plaintiffs.
- d) A decree be passed preliminary restraining the defendant no. 3 and 4 from creating any disturbance in exercise of plaintiffs right of ownership and possession over the suit land by way of perpetual injunction.
- e) That a decree be passed for the cost of the suit.
- f) Any other relief or reliefs plaintiffs may be found entitled to.

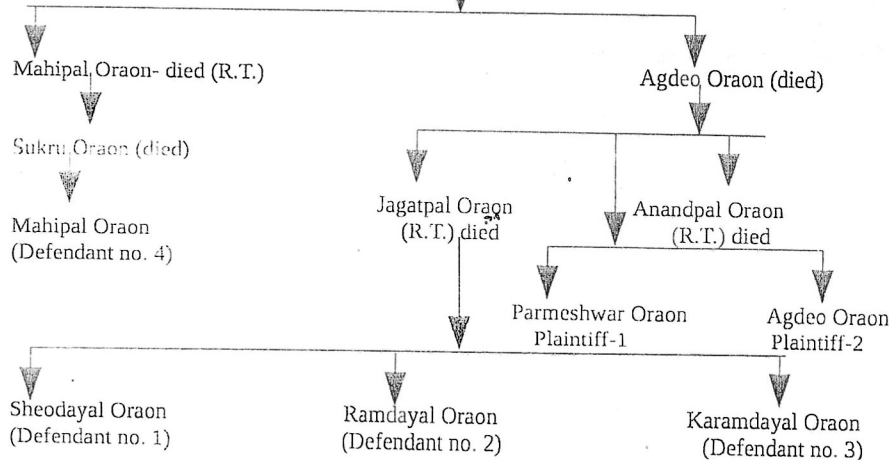
Schedule-

Lands situated at village-juria, P.S.-Lohardaga, Thana No. 197, District-Lohardaga.

<u>R.S. Khata No.</u>	<u>R.S. Plot No.</u>	<u>Area</u>
New Survey Khata <u>215</u> 83	New Survey Plot No. <u>464</u> 523	30 decimals (out of total area 60 decimals)

Schedule-B

Genealogical Table of recorded raiyat Sukru Oraon S/o Jalha Oraon
Sukru Oraon S/o Jalha Oraon
(R.T.) died



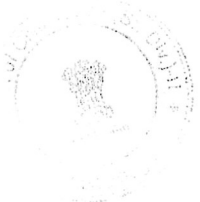
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3. Defendant no. 1 to 4 have appeared and filed their written statement on stating therein that the suit as framed by the plaintiff is admitted by these defendant and this suit is maintainable in the eye of law. Further submitted that the plaintiffs have valid cause of action to the suit. The plaintiffs are the owner of the suit lands with all right, title and possession. The plaintiffs inherited the suit land by way of inheritance and succession. The defendants including these defendant have got no right, title interest or share over the suit lands under R.S. Khata No. 215, plot no. 464 measuring an area 30 decimals (out of total area 60 decimals) correspond to New Survey Khata no. 83, plot no. 523, area 30 decimals of village Juria, Thana no. 197, Dist- Lohardaga. Further submitted that statements made in para-1, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16 and 17 of the plaint are correct and admitted. It is submitted that the suit land has been in exclusive possession of the plaintiff. The father of defendant no. 1 to 3 had sold his share 30 decimals under RS Plot no. 464 in favour of Laxmina Tirkey in the year 1991 and thereafter no any share of defendant no. 1 to 3 or their father remains in the suit land, they have never in possession on the western portion of R.S. Plot no. 464 which is the exclusive property of the plaintiff. Further submitted that statements made in para 2 of the plaint are description of suit land requires no specific comments. Further submitted that with regard to statements made under para-20 of the plaint. It is submitted that this defendant was not party in the permission case no. 421/12-13. The order dated 31.05.13 passed by SDO, Lohardaga in permission Case no. 421/12-13 is not in accordance with the provisions of the C.N.T. Act. Further submitted that with regard to



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statements made under para-18, 19, 21, 22 and 23 are correct and admitted. It is submitted that Jagatpal Oraon was an old person aged about 75 years and unable to move without any auxiliary support, he had never sold the suit lands to any person. The registered deed of sale dated 19.07.13 being deed no. 1532 and 1533 executed by Jagatpal Oraon is farzy and sham. Further submitted that with regard to statements made under 32 of the plaint, it is prayed that the plaintiffs are entitled to reliefs as prayed for. The claims of plaintiffs are correct. Further submitted that defendants reserves the right of amendment in the written statement whenever if so required.

4. Defendant no. 5 and 6 have appeared and filed their written statement on 07.01.2019 stating therein that the suit as framed is not maintainable either in law or in fact. Further submitted that the plaintiff's suit is false frivolous, vexatious and is liable to be dismissed with compensatory cost. Further submitted that the suit is barred by the principle of waiver, estoppel and acquiescence. Further submitted that the suit is barred by various provisions of the CNT Act and by provisions of section 34 of the Specific Relief Act. Further submitted that there is no cause of action in the suit. The cause of action in the suit as alleged in para-29 and elsewhere in plaint are totally false and manufactured. Further submitted that the suit is grossly under valued and unless advolerem court fee according to present market value of the suit property is not given the suit is not maintainable. Further submitted that the statement made in para 1 and 2 the plaint are admitted. Further submitted that the statements made in para 3 to 7 are related with the family of plaintiff and defendant no. 1 to 4 and these defendant have not no



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idea about the same however the plaintiffs are subjected to strict proof of entire contention. Further submitted that statements made in para 8 and 9 of the plaint are matter of record and plaintiffs are subjected to strict proof of the same by cogent evidence. Further submitted that the statements made in para-10, 11 and 12 the plaint are false, vague and self contradictory. Further submitted that the plaintiff has no where mentioned the date month or year of partition of their ancestral lands it has also not been mentioned as to which of the plot of R.S. Khata no. 215 was allotted to which of the co-sharer. Further submitted that story of partition has been created by plaintiffs with malafide intention and the plaintiffs themselves have contradicted their statements by saying that new Khatiyon has jointly been prepared in the name of Jagat Pal Oraon and Anandpal Oraon sons of Agndeo Oraon and Mahipal son of Sukru Oraon. It is submitted that the suit land was jointly prepared during recent survey operation in the name of Jagatpal Oraon and Anand Pal Oraon sons of Agndeo Oraon and Mahipal Oraon son of Sukru Oraon. It is submitted after preparation of new survey record of right there was partition in between Jagat Pal Oraon and Anandpal Oroan and Mahipal Oroan and in the said partition the entire land of plot no. 464 was allotted to the share of Jagat Pal Oraon and by this way Jagat Pal Oraon was in exclusive possession of the same. Further subjected that entire area of R.S. No. 464 was allotted and so long he was alive the plaintiffs never raised any objection and now after his death the plaintiffs are claiming the suit lands. The plaintiffs are put to strict proof of the same. Further submitted that in reply to the statement made in para 13 and 14 of the plaint, it is submitted



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that as Jagatpal Oraon was in exclusive possession of entire area of plot no. 464 hence he was fully competent to execute sale deed in favour of Laxmina Tirkey. It is denied that only 30 decimals of land was allotted to Jagatpal Oraon and after execution of sale deed no. 1552 Jagat Pal Oraon was not having any share in plot no. 464. Further submitted that the statement made in para-15 of the plaint are totally false and the plaintiffs are put to strict proof of the same. Actually after partition Jagat Pal Oraon remained in possession of entire area of plot no. 464 till he executed sale deed in favour of defendant no. 5 and 6 hence question of inheriting the suit property and coming in possession of the same by plaintiffs does not arise. However, the plaintiffs are put to strict proof of the same. Further submitted that in reply to the statements made in para 16 and 17, it is submitted that the area in which the suit land is situated has now sufficiently been developed and that has attracted the plaintiffs to claim the suit land illegally. The plaintiffs were never in possession of the land nor they have got any right, title and interest over the same. The plaintiffs are put to strict proof of entire contention. Further submitted in reply to the statement made in para-18 and 19 of the plaint, it is submitted that Jagat Pal Oraon being the rightful owner of the suit land and was also in possession of the same and he was fully competent to transfer his lands to anybody after obtaining prior permission of the competent authority. Further subjected that Jagat Pal Oraon in order to transfer the suit land and to execute sale deeds in favour of defendant no. 5 and 6 applied for permission U/s 46 of the C.N.T. act which was numbered as permission case no. 421/2012-13 and 422/2012-13 and after registration



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of the case general notice were issued objections were invited report from Circle Officer was called for and after observing all the formalities and after observing all the formalities and after recording the statement of Jagatpal Oraon permission was accorded in favour of Jagat Pal Oraon and accordingly, Jagat Pal Oraon executed sale deeds in favour of defendant no. 5 and 6 being deed no. 1532 and 1533 dated 19.07.13. It is submitted the said Jagat Pal Oraon fully competent to execute sale deeds in favour of the defendant no. 5 and 6 and the plaintiffs have falsely stated that the sale deeds are farzy and the recital of the deed contains false representation and description. The plaintiffs are put to strict proof of the same. Further submitted the statements made in para 20 are totally false manufactured and the same have been made for the purpose of this case the plaintiffs are put to strict proof of the same. Further submitted that the statements made in para 21 and 22 of the plaint are imaginary and false the sale deeds executed by Jagatpal Oraon was acted upon and now the defendant no. 5 and 6 are in possession of the vended land and are exercising all acts of possession. Further submitted that the plaintiffs have got no right, title and interest over the lands which were transferred by Jagatpal Oron in favour of defendant no. 5 and 6 after obtaining prior permission of the competent authority. Further submitted that in order to prevent defendant no. 5 and 6 from erecting boundary wall the plaintiffs Parmeshwar Oraon instigated his wife Naradmuni and got a proceeding initiated U/s 144 of Cr.P.C. against the defendant no. 5 and 6 which was numbered as Case no. 223/14. It is submitted that after contest in terms of order dated 17.10.14 the rule issued



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against the defendant no. 5 and 6 who were opposite party was vacated and the same was made absolute against the first party (Naradmuni wife plaintiff no.1) holding that the transfer made by the said Jagatpal is valid and genuine. Further submitted that the statements made in para 23 of the plaint are false hence denied the plaintiffs are put to strict proof of the same. Further submitted that the statement made in para 24 of the plaint are partly correct, it is true that when the defendant no. 5 and 6 were constructing boundary wall in order to prevent the defendant no. 5 and 6 from erecting wall and to exercising their right not the plaintiffs but the wife of plaintiff no. 1 came forward and by filing petition in the Court of S.D.M. got a proceeding U/s 144 of Cr.P.C. initiated against the defendant no. 5 and 6 and was able to prevent them from erecting wall but after hearing the rule was vacated in favour of defendant no. 5 and 6 and the same was made absolute against the said Naradmuni (first party). It is submitted that as the present plaintiffs were having knowledge that the transfer made by Jagatpal Oraon is valid, genuine and according to law hence they took no action against the defendant no. 5 and 6 nor they ever tried to disturb the peaceful possession of the defendant no. 5 and 6. Further submitted that the statement made in para 25 and 26 of the plaint are manufactured and concocted the plaintiffs are put to strict proof of the same. Further submitted that the statement made in para 27 are not at all considerable because the defendant no. 5 and 6 have acquired the suit lands by virtue of registered sale deed which was executed after prior permission of Deputy Commissioner and after execution of sale deed the defendant no. 5 and 6 came in peaceful possession of vented land



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and on their application after local inspection and after observing the formalities mutation was allowed in the name of defendant no. 5 and 6 and they are regularly paying rent of the suit land and on the other hand the plaintiffs without having any right, title and or possession over the suit land by creating trouble intends to oust the defendant no. 5 and 6 from their lands hence the suit be dismissed with compensatory cost. Further submitted that the statement made in para 28 of the plaint are false and the same has been made for the purpose of this suit. It is submitted that these defendants are in peaceful possession of the vended lands since the date of execution of sale deeds in their favour and have covered their lands by boundary wall and are exercising all acts of possession over the same.

5. On the basis of rival pleadings following issues have been framed for the proper adjudication of the suit.

- I. Whether the suit as framed is maintainable ?
- II. Whether the plaintiffs have got right, title and possession over the suit lands ?
- III. Whether a decree be passed declaring the said registered deed of sale dated 19.07.13 being deed no. 1532 and 1533 in favour of defendant no. 5 and 6 respectively executed by Jagatpal Oraon as a farzy, sham, colourable and ab-initio, null and void, not operative and not binding upon the plaintiffs?
- IV. Whether a decree be passed for the costs of the suit ?
- V. Whether the plaintiffs are entitled for any relief or reliefs ?

FINDINGS

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6. Plaintiffs have produced altogether six witnesses

P.W.1-Naradmuni Devi
P.W.2-Ramjatan Sahu
P.W.3-Lilawati Kujur
P.W.-4-Sheela Devi
P.W.-5-Jalhi Oraon
P.W.-6-Laxmeena Tirkey

Apart from this plaintiffs have produced some documentary evidence.

Ext-1-Power of Attorney dated 07.07.14
Ext-X- Xerox copy of agreement dated 24.05.1990
Ext-2- Original agreement dated 24.05.1990
Ext-3-C.C. of R.S. Khatiyon of Khata No. 215 of village-Juria
Ext-3/1-C.C. of new survey Khatiyon of Khata no. 83 of village-Juria
Ext-4- sale deed no. 1532 dated 19.07.13 .
Ext-4/1- Sale deed no. 1533 dated 19.07.13
Ext-5-C.C. of sale deed no. 1552



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7. Defendants have produced altogether six witnesses

D.W.1-Madhu Bhagat
D.W.2-Manoj Oraon
D.W.-3-Shiv Ram Oraon
D.W.-4-Sheo Nath Bhagat
D.W.-5-Bhikhram Oraon
D.W.-6- Surendra Bhagat

Apart from these defendants have produced documentary evidence.

Ext-A-C.C. of sale deed no. 1532 dated 19.07.13
Ext-B-C.C. of sale deed no. 1533 dated 15.07.13
Ext-C-Rent receipt no. 8894520



Ext-C/1- Rent receipt no. A 014095

8. PW-1 is Naradmuni Devi who is the wife of plaintiff no. 1 who is power of attorney holder executed by her husband namely Parmeshwar Oraon in favour of her. She has identified her and her husband's signature on power of attorney which has been marked as Ext-1. She has further deposed that R.S. Khata no. 215 bearing plot no. 464, area 30 decimals situated at village-Juriya. Total area of plot no. 464 is 60 decimals. She has further deposed that Sukru Oraon S/O Jalha Oraon was Khatiyani Raiyat of disputed land. She has further deposed that Sukru Oraon died leaving behind two sons Mahipal Oraon and Agdeo Oraon as his legal heirs and successors. She has further deposed that the Akdeo Oraon @ Agdeo Oraon died leaving behind Jagatpal Oraon and Anand Pal Oraon as his legal heirs and successor. It is further submitted that after death of Sukru Oraon S/O Late Jalha Oraon his sons namely Agdeo Oraon and Mahipal Oraon had partitioned their ancestral property according to customs and usage. She has further deposed that plot no. 464 area 60 decimals falls in the share of Agdeo Oraon. She has further deposed that after death of Agdeo Oraon his two sons Jagatpal Oraon and Anand Pal Oraon have partitioned their ancestral property by family arrangement. The half share of plot no. 464, area 30 decimals on the western portion falls in the share of Jagatpal Oraon and half share area 30 decimals in the eastern portion of plot falls in the share of Anand Pal Oraon. She has further deposed that in the year 1991 Jagatpal Oraon had sold 30 decimals of land of plot no. 464 in favour of Laxmi Tirkey through registered deed of

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sale vide sale deed no. 1552 dated 07.09.1991. She has further deposed that no any share of Jagatpal Oraon remains over the plot no. 464 after executing the registered deed in favour of Laxmina Tirkey. She has further deposed that defendant Madhu Bhagat and Shiv Ram Bhagat had obtained a fictitious share and farzy sale deed executed by Jagatpal Oraon by registered sale deed no. 1532 and 1533 dated 19.07.13.

In her cross-examination, she has deposed that disputed plot no. 464 belongs to Khata no. 215 total area 60 decimals. The half share of plot no. 464 on the western side falls in the share of Jagatpal Oraon and half share in the eastern side falls in the share of Anand Pal Oraon total area is 60 decimals. Rent receipt of disputed land has been issued in the name of her father-in-law Agdeo Oraon. She does not know when Partition has taken place between Anand Pal and Jagatpal. She has further deposed that R.S. Khata No. 215 has been recorded in the name of Agdeo Oraon, Jagatpal and Anand Pal are the sons of Agdeo Oraon. Hal survey khatiyon has been prepared in the name of Anand Pal Oraon. Mahipal was her Dadu. Agdeo and Mahipal were brothers and they are sons of Sukru. She has filed this case on the basis of old Khatiyon. Hal Survey Khata of disputed land is Khata no. 03 plot no. 523 total area 60 decimals. She has further deposed that Jagatpal Oraon had sold 30 decimals of land out of 60 decimals to the Laxmina Tirkey in the year 1991 and rent receipt regarding 30 decimal of land has been issued in the name of Laxmina Tirkey. She has filed this case against Madhu Bhagat, Shiv Ram Oraon and others for 30 decimals of land which has been purchased by them in the year 2013 from Jagatpal Oraon.



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9. PW-2 is Ramjatan Sahu who has totally supported the plaint and evidence of PW-1 in his examination-in-chief.

In his cross examination, he has deposed that he is Adhbataidar of Naradmuni. He has not seen any paper of disputed land. He does not know that who is paying the rent of disputed land. Total area of disputed land is 60 decimals. He has further deposed that out of 60 decimals, 30 decimals is in possession of Naradmuni and 30 decimals of land is in possession of Laxmaniya. He has further deposed that disputed land is in possession of Naradmuni. He has denied the suggestion put forwarded to him.

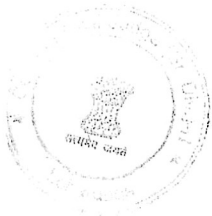
10. PW-3 is Lilawati Kujur who has totally supported the plaint as well as evidence of earlier examined witnesses.

In her cross-examination, she has deposed that Parmeshwar Oraon has filed this case. Parmeshwar has told her regarding the dispute. Total area of Khata no. 215 is 60 decimal out of 60 decimals land 30 decimals land has been sold by his elder father Jagatpal in favour of Laxmina Tirkey. Jagatpal Oraon is the son of Agdeo Oraon. She has denied the suggestion put forwarded to her.

11. PW-4 is Sheela Devi (villager) who has totally supported the plaint as well as evidences of earlier examined witnesses.

In her cross-examination, she has deposed that dispute has taken place between Naradmuni and Madhu Bhagat in the year 2014. Rent of disputed land has been paid by Naradmuni. 30 decimals of land is in possession of Laxmaniya Tireky out of 60 decimals.

12. PW-5 is Jalhi Oraon who has totally supported the plaint in her



Adhina Kujur
23.11.2022

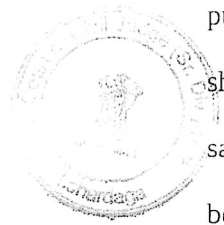


20/55

examination-in-chief.

In her cross-examination, she has deposed that rent receipt of disputed land has been issued in the name of Sukru Oraon. Anand Pal and Jagatpal are the grand son of Sukru Oraon. She does not know when partition has taken place between Jagatpal and others. Her sasur (father-in-law) has sold his share. She has denied the suggestion put forwarded to her.

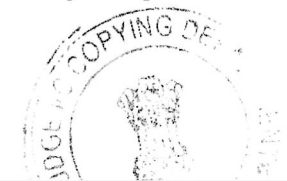
13. PW-6 is Laxmina Tirkey who has deposed in her examination-in-chief that she has purchased 30 decimals of land of plot no. 464 from Jagatpal in the year 1991 through registered deed no. 1552 dated 07.09.1991 and its permission suit number is 41/90. She has further deposed that her purchased land is on the western side and eastern portion of land is in the share of sons of Anand Pal. She has further deposed that an agreement for sale dated 24.05.1990 of plot no. 464 area 30 decimals has been taken place between Jagatpal Oraon and her which has been typed by Jamil Akhtar. She has identified and prayed the signature of Jagatpal on agreement dated 24.05.1990 which has been marked as Ext-2.



Laxmi Ramon
20.11.2022

In her cross-examination, she has deposed that she does not know that who is Madhu Bhagat. She has further deposed that land of eastern side is in possession of Anand Pal and land of western side belongs to her. Disputed land is surrendered by boundary wall. Boundary wall has been made by wife of Parmeshwar Oraon.

14. DW-1 is Madhu Bhagat who has deposed in her examination-in-chief that plaintiff Parmeshwar Oraon has filed this case against her and Shiv Ram Oraon. She has further deposed that the suit filed by the plaintiff is not



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Original Suit No. 40/2014

maintainable, barred by limitation and barred by various provisions of the C.N.T. Act and is liable to dismiss. She has further deposed that entire area of R.S. Khata no. 215 plot no. 464 Rakba 30 decimals was allotted to Jagatpal by way of family partition and Anandpal was not having any share in the said plot. She has further deposed that plaintiff has not raised any objection when Jagatpal was alive and now after his death the plaintiffs are claiming the suit land. She has further deposed that Jagatpal was in exclusive possession of entire area of plot hence he was fully competent to execute sale deed in favour of Laxmina Tirkey. She has further deposed that Jagatpal Oraon in order to transfer the suit land and to execute sale deed in favour of defendant and after all the formalities permission was accorded in favour of Jagatpal Oraon and accordingly, Jagatpal Oraon executed sale deed in favour of her

In cross-examination, she has deposed that she has filed an affidavit on which she has put her signature. Her husband name is Shankar Bhagat and he is a Range Officer and presently posted at Chaibasa District. Her matrimonial home is situated at village-Juria. She has further deposed that she did not know that whether her father-in-law had resided in the village-Juria or not. She has further deposed that no ancestral land of his father-in-law is situated at village Juria, she has got married in the year 1991. Her maika is situated at village-Barahi, PS-Senha. She could not file the service book of her husband before the court. She does not know that whether her husband Shankar Bhagat is Permanent resident of village-Chopal, PS-Senha or not. She has purchased the land from Jagatpal Oraon Khatiyai raiyat of

A - Laxmina Tirkey
30.11.2022



22/55

Original Suit No. 40/2014

disputed land is Sukru Oraon. She has purchased 15 decimals of land and remaining 15 decimals land has been purchased by Shiv Ram Oraon. Total area of plot no. 464 is 60 decimals. She has denied the suggestions put forwarded to him.

15. DW-2 is Manoj Oraon who has totally supported the evidence of DW-1 and written statement filed by defendant no. 5 and 6. He has further deposed that Shiv Ram Oraon is not her brother-in-law (Bhanoi). Her sister's name is Sashi Kala Oraon.

In his cross-examination, he has deposed that his ancestral property is situated at village-Juria but he can not file the Khatiyani of his ancestral property before the Court. He does not know where is his sister's maika and sasural. He is a student of B.A. 1st year. He does not know anything regarding disputed land. He has not seen family partition paper of Jagatpal Oraon. He has denied the suggestions put forwarded to him.

16. DW-3 is Shiv Ram Oraon who has totally supported the version of earlier examined witnesses and also supported the written statement filed by defendant no. 5 and 6.

In cross-examination, he has deposed that he is employee of State Bank of India and presently posted at District-Deoghar. He has passed matriculation in the year 1995. He has seen the Khatiyani of 1932 of disputed land before purchasing the land. He is permanent resident of village-Arkosa Shemar Toli, PS-Lohardaga. He has further deposed that he has paid the amount to Jagatpal in cash in the house of Jagatpal Oraon. He has further deposed that he has also paid Rs. 7,29,000/- before registry



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officer at the time of registry. He could not file the statement and passbook of his bank account. R.S. Khata of disputed land is 215, plot no. is 464 and total area is 60 decimals. He does not know the Boundary of disputed land. He does not know that who is Laxmina Tirkey. He has denied the suggestion put forwarded to him.

17. DW-4 is Shiv Nath Bhagat who has deposed in his examination-in-chief that plaintiff Parmeshwar Oraon has filed this case against the defendant Shiv Ram Oraon, Madhu Bhagat and others regarding R.S. Khata No. 215 Plot no. 464 area 30 decimals. He has further deposed that after family partition the entire land of R.S. Khata no. 215 plot no. 464 total area 30 decimals was allotted to the share of Jagatpal Oraon and Anand Pal was having no any share in the said plot. He has further deposed that after partition Jagat Pal Oraon remained in possession of disputed land and he executed sale deed in favour of Madhu Bhagat and Shiv Ram Bhagat in the year 2013 regarding 30 decimal of land. He has further deposed that plaintiff has no right to file this case against defendant.

In cross-examination, he has deposed that he is resident of village-Juriya and he is Matric pass out. He has not seen the Hal Khatiyani and R.S. Khatiyani of disputed land. He does not know that who is Khatiyani raiyat of the disputed land. He knows Madhu Bhagat and Maika of Madhu Bhagat is situated at village-Barhi Senha. He does not know the matrimonial home of Madhu Bhagat. Sale deed has not been prepared before him. He has not seen the paper of family partition of Jagatpal Oraon. He does not know that who is Laxmina Tirkey. He has further deposed that he was not the witness of



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permission case. He has denied the suggestions put forwarded to him.

18. DW-5 is Bhikhram Oraon who has deposed in his examination-in-chief that plaintiff Parmeshwar Oraon has filed this case against the defendant Shiv Ram Oraon, Madhu Bhagat and others regarding R.S. Khata No. 215 Plot no. 464 area 30 decimals. He has further deposed that after family partition the entire land of R.S. Khata no. 215 plot no. 464 total area 30 decimals was allotted to the share of Jagatpal Oraon and Anand Pal was not having any share in the said plot. He has further deposed that after partition Jagat Pal Oraon remained in possession of disputed land and he executed sale deed in favour of Madhu Bhagat and Shiv Ram Bhagat in the year 2013 regarding 30 decimal of land. He has further deposed that plaintiff has no right to file case against defendant.

In cross-examination, he has deposed that he does not know the Khata number and plot number of disputed land. He also does not know that who is the khatiyani raiyat of disputed land. He has not seen the partition paper of Jagatpal Oraon. He does not know that from whom Madhu Bhagat has purchased the land. He has denied the suggestions put forwarded to him.

19. DW-6 is Surendra Bhagat who has produced and proved rent receipt no. 8894520 and rent receipt no. A 014095 which have been issued in the name of Madhu Bhagat which have been marked as Ext-C and C/A respectively.

In cross-examination, he has deposed that it is true that Halka Karāmchari has put his short signature on the rent receipt.

20. Heard arguments on behalf of both the sides at length.

24/55

30/11/2012



FINDINGS

21. Plaintiff has filed this suit to declare the plaintiff's right, title, interest over the suit land and confirmation of possession, if it is found that plaintiff is out of possession from the suit land. In view of this pleading of the plaintiff issue No. II appears to be the core and factual issue and as such this court will take first issue no. II "whether the plaintiff has got right, title and possession over the suit land".

22. Issue No. II - "Whether the plaintiffs have got right, title and possession over the suit land". The plaintiff has claimed right and title over the suit land and also for recovery of possession if it is found that plaintiff is out of possession from the suit land. Plaintiff has contended that he has inherited the suit land by way of inheritance and succession and by way of family arrangement after death of his father Anandpal Oraon and came in peaceful possession over it. The plaintiff has further contended that he has constructed boundary wall over it and prior to him his father Anandpal Oroan was in possession over it after partitioned between Anandpal Oraon and Jagatpal Oraon as per village custom and family arrangements. The half share of R.S. Plot no. 464, area 30 decimals on the western portion falls in the share of Jagatpal Oraon and 30 decimals on the eastern portion fall in the share of Anandpal Oraon. The partition between Anandpal Oraon and Jagatpal Oraon was acted upon and as per partition, Jagatpal Oraon had sold his entire share over R.S. Plot No. 464 with Laxmina Tirkey vide sale deed no. 1552 dated 07.09.1991. Further contended that the suit land is the exclusive property of plaintiff with all right, title, interest and possession.



Handwritten signature and date: Anand Oraon 30.10.2022



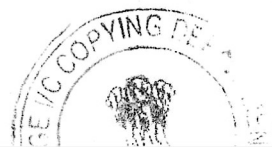
26/55

Original Suit No. 40/2014

First question arises before the Court that whether Jagatpal Oraon had any right to execute the sale deeds dated 19.07.13 being deed no. 1532 and 1533 when he had already sold 30 decimals of land through sale deed no. 1552 dated 07.09.1991. Exhibit-3/1 which is C.C. of new survey Khatiyon of Khata no. 83 of village-Juriya stands recorded in the name of Jagatpal and Anandpal both sons of Angdev Oraon having equal share and Sukru Oraon son of Mahipal Oraon one share with respect to plot no. 523, area 60 decimals, which is derived from R.S. Khata no. 215, R.S. Plot No. 464, area 60 decimal which is Exhibit-3. Evidently Exhibit-3/1 speaks that raiyat Anandpal Oraon and Jagatpal Oraon have equal share over the suit plot as such each have 30 decimals share over R.S. Plot No. 464 correspond to new plot 523. The other co-sharer Mahipal Oraon has/had no any share over suit plot as per their amicable family arrangements as stated by said Mahipal Oraon in the written statement filed by him in the instant suit under para-2 of the written statement, as well as PW-5 Jalhi Oraon who is wife of defendant no. 1 has clearly stated that suit land was allotted to Angdev Oraon by family arrangements, Mahipal Oraon and Angdev Oraon had amicable partitioned their ancestor's property. Jagatpal Oraon and Anandpal Oraon had also partitioned the suit land and each had got 30 decimals over the suit plot. The eastern portion of the suit plot, area 30 decimal was allotted to Anandpal and towards western partition of the plot area 30 decimal was allotted to Jagatpal Oraon. Jagatpal had sold his entire share area 30 decimal towards western side vide sale deed no. 1552 dated 07.09.1991 in favour of Laxmina Tirkey and before the execution of the sale



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27/55

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deed dated 07.09.1991 an agreement between Jagatpal Oraon and Laxmina Tirkey was prepared on dated 25.05.1990 which is Exhibit-2 in which in the identification of proposed land (area 30 decimal) to be sold, Jagatpal Oraon admits that towards eastern side share of Anandpal Oraon is allotted and in possession of Anandpal Oraon. Thus it is clear that after execution of sale deed 1552 dated 07.09.1991 (Exhibit-5) executed by Jagatpal Oraon, no any share of Jagatpal Oraon was left. These facts are supported by PW-6 Laxmina Tirkey in her deposition under para 1, 6, 10 and 16. PW-5 Jalhi Oraon under para-13 and 18 of her cross-examination. PW-2 Ram Jatan Sahu has also stated under para-32 of his cross-examination that 30 decimal of land is in possession of Naradmuni Devi and 30 decimal of land is in possession of Laxmina Tirkey. PW-1 Naradmuni Devi attorney of plaintiff has stated under para-27 of her cross-examination that 30 decimal of land has been sold by Jagatpal Oraon to Laxmina Tirkey in the year 1991 and rent receipt has also been issued in the name of Laxmina Tirkey. PW-3 Lilawati Kujur under para-26 of her cross-examination stated that out of total area 60 decimal, 30 decimal of land is in possession of Laxmina Tirkey. PW-4 Shila Devi under para-21 of her cross-examination stated that total area of disputed land is 60 decimal. 30 decimal of land is land in question which is situated at Eastern side of the plot and remaining 30 decimal of land is in possession of Laxmina Tirkey. PW-1 Naradmuni Devi under para-20 of her cross-examination has stated that Khata number of disputed land is 215, plot no. is 464, total area 60 decimal. Total 60 decimal of land is in possession of Anandpal and Jagatpal Oraon. Eastern side of land is in

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28/55

Original Suit No. 40/2014

possession of Anandpal Oraon. Disputed land is situated at Eastern side. She has constructed boundary wall 10 years ago on 30 decimal of land. PW-3 Lilawati Kujur under para-34 and 35 of her cross-examination has stated that disputed land is surrendered by boundary wall. DW-1 Madhu Bhagat under para-69 and 70 of her cross-examination has admitted that on 21.07.2014 she went to the land in question but plaintiff made dispute and thereby she could not took possession. It is admitted fact that she has purchased the land on 19.07.13, it means after lapse of approx one year she went to the land in question to take possession.

Thus it is established that the suit plot comprises to total area 60 decimals, the western portion area 30 decimal has been sold by Jagatpal Oraon in favour of Laxmina Tirkey, in the year 1991 and the remaining portion towards eastern side of the plot area 30 decimal which is disputed land is belongs to Anandpal Oraon and now belongs to plaintiff with all right, title, interest and possession. The said Jagatpal Oraon had no any right to execute any sale deed no. 1533 and 1532 dated 19.07.13 in favour of defendant no. 5 and 6 with respect to the lands belonging to plaintiff when he had already sold his entire share over the suit plot in the year 1991. Plaintiff has every right, title and possession over the suit land. Accordingly, Issue no. II "whether plaintiff has right, title and possession over the suit land" is in favour of plaintiff.

23. Issue No. III "whether a decree be passed declaring the said registered deed of sale dated 19.07.13 being deed no. 1532 and 1533 in favour of defendant no. 5 and 6 respectively executed by Jagatpal



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29/55

Original Suit No. 40/2014

Oraon as a farzy, sham, colourable and an-in-it-io, null and void, not operative and not binding upon the plaintiffs." It is crystal clear that Jagatpal Oraon was not competent to execute the aforesaid sale deeds as the property involved in the sale deed which is suit land belongs to Anandpal Oraon. The Jagatpal Oraon had already sold his entire share 30 decimals over R.S. Plot No. 464 in the year 1991 with Laxmina Tirkey. The said Jagatpal Oraon had obtained permission U/s 46 C.N.T. Act vide permission case no. 421/2012-13 and 422/2012-13 from the Court of L.R.D.C. by practicing fraud and suppressing the facts that he had executed sale deed in favour of Laxmina Tirkey in the year 1991 of his entire share and now no any share remains after execution of sale deed of the year 1991. The share of Anandpal Oraon, area 30 decimal towards eastern portion of R.S. plot no. 464, is admitted by Jagatpal Oraon while executing the agreement dated 25.05.1990 (Ext-2). The Jagatpal Oraon had not brought any witness of co-sharers while obtaining the aforesaid permission. Defendant no. 1 to 4 have stated in their written statement that they were not party in the Permission Case no. 421/12-13 while defendant no. 1, 2 and 3 are sons of Jagatpal Oraon. The defendant no. 5 has produced her residential certificate to satisfy the condition of provisions of 46(a) of C.N.T. Act is apparent to be forged in the light of her cross-examination (DW-1), under para-23, 24, 25, 26, 27 and 32 which reflects that the paternal resident of Madhu Bhagat is at village-Barhi, PS-Senha and her matrimonial residence is at village-Chapal, PS-Senha whereas the lands which she has got sanctioned for purpose is situated at village-Juriya, PS-Lohardaga and the Jagatpal Oraon applicant is



A very poor
 25/11/2012



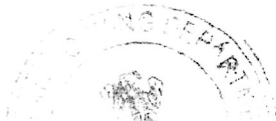
28/55

Original Suit No. 40/2014

resident of PS-Lohardaga. For transfer of schedule tribe lands U/s 46 C.N.T. Act the necessary condition is that purchaser must resident within the local limit of the area of the Police Station within which the holding is situate. The defendant no. 5 by practicing fraud and suppressing the facts that she is not resident of Police Station, Lohardaga where the lands is situated has obtained permission for purchase it which is the serious violation of provisions of 46 C.N.T. Act. The executant Jagatpal Oraon of the alleged sale deed has no knowledge about the execution. Defendant no. 1 to 4 have admitted in their written statement that Jagatpal Oraon was an old person aged about 75 years and unable to move without any auxiliary support, he had never sale the suit land to any person. As well as the execution of the aforesaid sale deed is farzy and colourable and not genuine. Defendant witness no. 2 Manoj Oraon who is identifier of the both alleged sale deeds as appears from Ext-A, Ext-B, Ext-4 and Ext-4/1 has stated in his cross-examination under para-20. that he does not know anything regarding the disputed land. Under Para-26 he has deposed that he does not know that where sale deed has been executed and who has executed the sale deed. DW-5 Bhikhram Oraon who is resident of village-Juriya and is matriculate has stated under para-22 of his cross-examination that he knows Jagatpal Oraon since last 6-7 years. He is aged about 30-35 years. Under para-27 he has deposed that he does not know that from whom Madhu Bhagat has purchased the land, it means he has no knowledge about the suit land. DW-4 Shivnath Bhagat who is also matriculate and resident of village-Juriya has stated under para-17 that he knows Madhu Bhagat, her Maika is situated at



Handwritten notes: 20.11.2022



village-Barhi, PS-Senha but he does not know that where is her matrimonial home. Passing of consideration amount of the alleged sale deed are not proved DW-3 Shivram Oraon (defendant no. 6) and purchaser of the land who is a State Bank employee has stated under para-20 and 21 of his cross-examination that he does not know that how much land has been purchased. He had paid the consideration amount to Jagatpal Oraon in cash in his home. He has further deposed that he had paid Rs.7,29,000/- (Seven Lakhs Twenty Nine Thousand) before registering authority at the time of registration. He could not file his bank statement and passbook before the court. After perusal of Exhibit-4, 4/1, A and B it appears that the alleged sale deed dated 19.07.2013 a commission was issued for examination of Jagatpal Oraon accordingly, temporary clerk Smt. Anjani Siromani Minz has taken examination of Jagatpal Oraon at village-Juriya in his residence. On the other hand DW-3 Shivram Oraon has deposed that at the time of execution of the sale deed he has given Rs. 7,29,000/- to Jagatpal Oraon in presence of Registering Officer. The aforesaid facts proved itself that the execution and statement of passing of consideration amount are totally false and colourable. The said Smt. Anjani Siromani Minz has not taken any witnesses or examined in accordance with law, the alleged sale deeds are not genuine.

Thus in the light of aforesaid witnesses and evidences it is clear that the alleged sale deeds are farzy, colourable and ab-intio void, not operative and not binding upon the plaintiff in all corners. Accordingly, the issue no. III is in favour of plaintiffs and against the defendants.

24. Issue no. I whether the suit is maintainable in its form, the instant

31/55



Law
30.11.2013



32/55

Original Suit No. 40/2014

suit is brought by the plaintiffs and reliefs claimed in the plaint are as follows:

- a) A decree be passed declaring that the plaintiffs have got right, title, interest over the suit land.
- b) A decree be passed confirming the plaintiffs possession over the suit property and alternatively if it is found that plaintiff have been dispossessed from any portion of the suit land by any act of force or violence of the defendants a decree be passed for delivery of possession in favour of plaintiffs. B) A decree be passed declaring the said registered deed of sale dated 19.07.13 being deed no. 1532 and 1533 in favour of defendant no. 5 and 6 respectively executed by Jagatpal Oraon as a farzy, sham, colourable and ab-intio void and not binding upon the plaintiffs.
- c) A decree be passed permanently restraining the defendant no. 5 and 6 from creating any disturbance in exercise of plaintiffs right of ownership and possession over the suit land by way of perpetual injunction.
- d) That a decree be passed for the cost of the suit.
- e) Any any other relief/reliefs as the plaintiffs entitled to.



Lohardaga
20.11.2017

Section 258 of the C.N.T. Act provided that no suit shall be entertained in any court to vary, modify or set aside either directly or indirectly any (decision) order or decree of any Deputy Commissioner or any Revenue Officer in any suit under section 46 except on the ground of fraud or want of jurisdiction. In the instant case sanctioning authority L.R.D.C., Lohardaga had not entertained the case of title of plaintiff while passing order of permission in favour of defendant no. 5 and 6 with respect



to the suit land and thus the order of permission given by L.R.D.C., Lohardaga could not bar the suit under section 258 C.N.T. Act as it is proved that the defendant no. 5 and 6 had obtained the aforesaid order of permission in their favour by practicing fraud and procured false residential certificate of Madhu Bhagat of village-Juriya which is against the provisions of 46 of C.N.T. Act. In the case of **Gobardhan Sahu Versus Lalmohan Kharwar AIR 1936 Patna 611**, the law laid down that section 258 was no bar to a suit for declaration of title and the same view was also taken in the case of **Karunamoy Dutta versus state of Bihar 1983(31) B.L.J.R. 244** that provisions of C.N.T. Act could not bar the institutions of the suit in case of title and suit for recovery of possession. It is well settled in various judicial pronouncements that the Revenue Court could not entertain a suit for recovery of possession and in the instant suit plaintiffs has instituted with relief a) and b) which are declaration of title and for recovery of possession and thus section 258 of C.N.T. Act or any any other provisions of the C.N.T. Act could not bar the instant suit. Moreover, Civil Court have every jurisdiction to a suit for declaration of right, title, interest and possession, as per provisions of section 9 of C.P.C. Plaintiff has filed the suit for declaration of his title over the suit land and the defendant no. 5 and 6 has denied the right and title of plaintiff in their pleadings and thus the suit is maintainable. Thus suit is maintainable in the eye of law. Accordingly, this issue is also decided in favour of plaintiff and against defendants.

25. Issue No. IV & V – "Whether a decree be passed for the cost of the suit and whether plaintiffs are entitled for any other relief or reliefs.

33/15



A decree for title
30.11.2022



34/55

Original Suit No. 40/2014

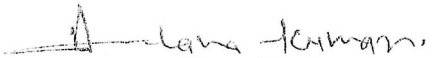
In view of the findings of this Court on issue no. I, II and III this Court finds that the plaintiff is not entitled for any other relief or cost.

In view of the aforesaid findings of this Court on Issue no.- I, II and III it is hereby

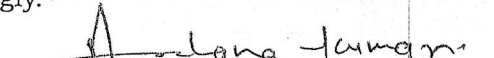
ORDERED

That the suit be decreed on contest without cost against the defendants. A decree will follow accordingly.

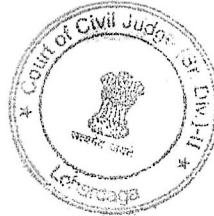
(Dictated and corrected by me)


30.11.2022

(Archana Kumari)
ID No. 0563
C.J.(S.D.) -II., Lohardaga
Dated 30.11.2022


30.11.2022

(Archana Kumari)
C.J.(S.D.) -II., Lohardaga
Dated 30.11.2022



Schedule XLII- Form No. (J) 17 [Old C.P.20]

Date of Institution -18.08.2014
Date of Admission -29.09.2014
Suit Valued - Rs. 14,60,000/-
Cause of action - 19.07.2013

DECREE IN ORIGINAL SUIT

Order XX, Rules 6 and 7, Code of Civil Procedure

District Lohardaga

In the court of Civil Judge (Senior Division)-II at Lohardaga

Original Suit No. 40 of 2014

1. Parmeshwar Oraon

2. Agdeo Oraon

Both sons of Late Anandpal Oraon

Both R/o village-Juriya, PS.+ Distt.-Lohardaga Plaintiffs

Versus

1. Sheodayal Oraon S/O Late Jagatpal Oraon

2(a). Mangal Deo Oraon S/O Late Ramdayal Oraon

3. Karamdayal Oraon S/O Late Jagatpal Oraon

4. Mahipal Oraon S/O Late Sukru Oraon

5. Smt. Madhu Bhagat W/O Sri Shankar Bhagat

R/o village-Juriya, PS+Distt.-Lohardaga

6. Sheoram Oraon S/O Late Poteya Oraon

R/o village-Arkosa, Porhatoli, PS+Distt.-Lohardaga.

7. The Deputy Commissioner, Lohardaga Defendants

Note - The Address given above are the addresses for service filed by the parties under rules 19 and 22 or Order VII, of under rules 11 and 12 of Order VIII, of the first Schedule to the Code of Civil Procedure, with the exception of

who did not appear or omitted to file their addresses



Muharrir



26/5/13
Claim for ---

- a) That a decree be passed declaring that the plaintiff have got exclusive right, title and interest over the suit land.
- b) A decree be passed confirming the plaintiffs possession over the suit property and alternatively if found that the plaintiffs have been dispossessed from any portion of the suit land by any act of force or violence of the defendants a decree be passed for delivery of possession in favour of plaintiffs.
- c) A decree to passed declaring the said registered deed of sale dated 19.07.13 being deed no. 1532 and 1533 in favour of defendant no. 5 and 6 respectively executed by Jagatpal Oraon as a farzy, sham, colourable and ab-intio, void and not binding upon the plaintiffs.
- d) A decree be passed preliminary restraining the defendant no. 3 and 4 from creating any disturbance in exercise of plaintiffs right of ownership and possession over the suit land by way of perpetual injunction.
- e) That a decree be passed for the cost of the suit.
- f) Any other relief or reliefs plaintiffs may be found entitled to.




Muharrir



37/55

Schedule XLII- Form No. (J) 17 [Old C.P.20]

This suit coming on this 30.11.2022 for final disposal before Archana Kumari, Civil Judge (Sr.Divn.)-II, Lohardaga

on 30th day of November, 2022

Sri B.K.N.Tiwary, Ld. Advocate

Sri K.S. Pandey, Ld. Advocate

in the presence of

for the Plaintiffs

for the defendants

and of

It is ordered and decreed that "the suit be decreed on contest without cost against the defendants. A decree will follow accordingly."

and that the sum of Rs.

as paid by the

to the

on account of the costs of this suit, with interest thereon at the rate of per annum from this dated to date of realization.

Given under my hand and the seal of this Court, this * 30th day of November, 2022

* Enter here the date of the Judgment.

Muharrir
30/11/22

Sheristedar
30/11/22

Civil Judge (Sr. Div.)-II
05.12.22
I.D No - 563

COSTS OF THE SUITS

Sl No.	Plaintiff	Amount		Defendant	Amount	
		Rs.	P.		Rs.	P.
1.	Stamp for complaint	26355	00	Stamp for power	5	00
2.	Do for power	5	00	Do for petition or affidavit	20	00
3.	Do for petition or affidavit	20	00	Cost for exhibits	-	-
4.	Cost for exhibits	-	-	Pleader's fee	-	-
5.	Pleader's fee on Rs.	-	-		-	-
6.	Subsistence :- (a) for plaintiff or his agent (b) for witnesses	-	-	Subsistence (a) for defendant or his agent (b) for witnesses	-	-
7.	Commissioner's fee	-	-	Commissioner's fee	-	-
8.	Service of process	15	00	Service of process	-	-
9.	Copying or typing charge	-	-	Copying or type charges	-	-
	Total	26395	00	Total	25	0

Muharrir
30/11/22

Sheristedar
30/11/22

Civil Judge (Sr. Div.)-II
05.12.22
I.D No - 563



58/53

Part of Decree
Original Suit No. 40 of 2014

578-40-0
13-12-2022

10-5-2022
13-12-2022

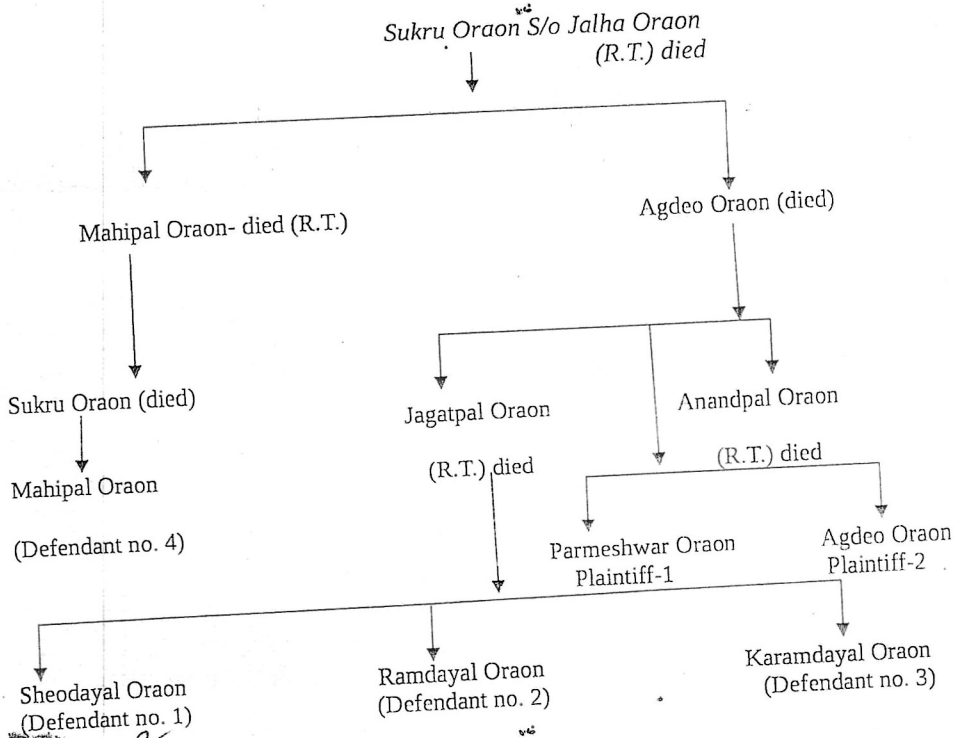
Schedule-A

Lands situated at village-juria, P.S.-Lohardaga, Thana No. 197, District-Lohardaga.

<u>R.S. Khata No.</u>	<u>R.S. Plot No.</u>	<u>Area</u>
New Survey Khata	New Survey Plot No.	30 decimals (out of total area 60 decimals)
215	464	
83	523	

Schedule-B

Genealogical Table of recorded raiyat Sukru Oraon S/o Jalha Oraon



5/3/22
Muharrir

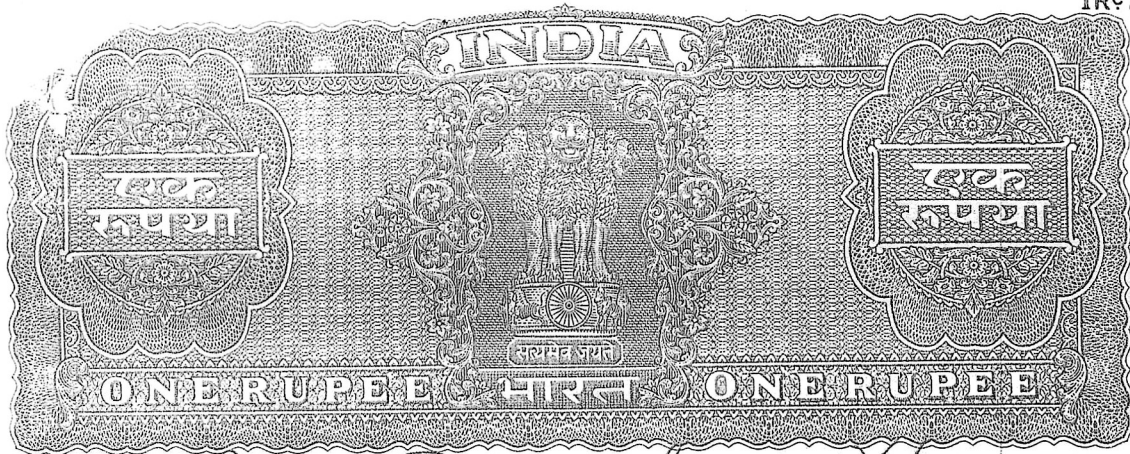
Sheristedar
Civil Judge (Sr. Div.)-II
Lohardaga
1.0.10-5703



Date of application copy 03/12/2022
 Date fixed for notifying the rules 08/12/2022
 Date of delivery of the requisite notice 13/12/2022
 Date on which the copy was ready for delivery 13/12/2022
 Date of handing over the copy to the applicant 13/12/2022



1Re 4/155



जो बजटिचे आयली वरवाए के वरवाए
 ने विभा जो वरवाए वरवाए मोदी
 काहे ओ ए वरवाए से चला थाले
 यु मर मोदी के वरवाए वरवाए वरवाए
 ने वरवाए वरवाए वरवाए वरवाए
 इन्तकार जयके के वरवाए वरवाए
 मुम किण नही इल किचे मर मोदी ने
 को की फोके वरवाए वरवाए वरवाए
 काके के वरवाए वरवाए वरवाए
 जमोने विही मोने को मर मोदी को मोदी
 अगे एके वरवाए विभा जयके वरवाए
 कामर मो १५०००० वरवाए वरवाए वरवाए
 वाभा को वरवाए वरवाए वरवाए
 के वरवाए फोके वरवाए वरवाए
 वरवाए वरवाए वरवाए वरवाए
 किचे देते हे के वरवाए वरवाए
 मंडा विवाही द्वारा विभा के बाद अरु
 तीन मर के अरु वरवाए वरवाए
 वरवाए वरवाए वरवाए वरवाए
 १५०००० रुपने मेले बाद विभा के
 मो १५०००० ले हे वरवाए वरवाए
 को वरवाए वरवाए वरवाए
 कायम मो विभा को अरु वरवाए
 तब जमोने मर वरवाए वरवाए
 मोदी फोके वरवाए के वरवाए
 वरवाए वरवाए वरवाए वरवाए
 अरु मर मोदी वरवाए मे वरवाए

जगतपाल डारि
 ०२१२४८
 २४१२४८
 २४१२४८
 ३२४८
 २४१२४८
 ३२४८



1. जैसी मोदी कहें वही भावना है
 जो चाहे वही वही के साथ आये
 को वाई कहें वो अगल बाद वही के
 मोता वही बाद परमेश्वर के मोदी कहें
 वही वही नही वा लड़े तो बाद लतम
 हो जने वही के यह वही नामा लड़े
 जामना जो अगल मक मोदी वही
 का परमेश्वर नही वही लड़े तो व्याणा
 लये मोदी कहें वही वापस लड़े
 नल व कल के ई उ नु न होना इ लड़े
 अफे वकुशी से व व्याणा विले विया के
 व कल व काम भावे

02/11/22
 श्री राजेश्वर

ता 02/11/22 ई सा 9-1-10-20
 का विले व जामना भा वल सा 10 गो लड़े
 मजमूत व व मोदी के लड़ा विया

T.S. 40/14
 Ex-2

M
 C.T. (S) - 1
 23. 11. 22



45/55

Number of Khayat
 क्षेत्र नम्बर २

खाना नम्बर
 Thana Number १९०

Name of Landholder
 नाम खाने व परिवार १३) मास २०१५/१६/१७ २०१६/१७

8	9	10	11	12	13	14	15	16	17
II	898	30 अक्ष 30 अक्ष 30 अक्ष 9/1/24	11 5	9		80		80	
I	899	30 अक्ष 30 अक्ष	11 5	9		20		20	
II	902	30 अक्ष मासिक 30 अक्ष	11 5	2		988		988	
	926	30 अक्ष 30 अक्ष 9/2/91 30 अक्ष	11 2 2/19 7				82	82	
	927	30 अक्ष मासिक	11 2			90		90	
		30 अक्ष मासिक	11 4						
	928	30 अक्ष 40 अक्ष	11 4	99		12		12	
	929	30 अक्ष मासिक	11 5	98		98		98	
		30 अक्ष मासिक	11 5						

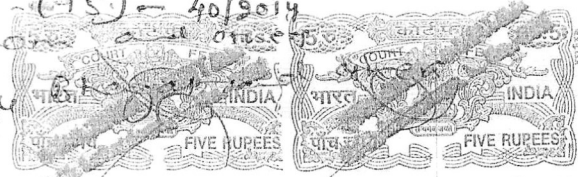


Court of Civil Judge (S.D. Div.) B - Lonardaga

Case No. Original Suit - (TS) - 40/2014

Parmeshwar vs.

Smt. Manoj



44/55

Schedule VI MR Form No. Chhotanagpur Settlement

Continuous **KHATIAN** Form (lower half)

Name of Village
नाम गाँव

उदीना

थाना
Thana

मण्डल (Mandal)

1	2	3	4	5	6	7	8	9
292	<p>उदीना गाँव का मालिक पारमेश्वर श्रीमान पारमेश्वर</p>	<p>कापी</p>		<p>मालिक श्रीमान पारमेश्वर श्रीमान पारमेश्वर</p>			<p>२९५ ५५</p>	<p>४९</p>
							<p>२९५ ५५</p>	<p>४९</p>
							<p>२९५ ५५</p>	<p>४९</p>
				<p>दे लडागा</p>				<p>९९२</p>
				<p>दे लडागा</p>				<p>९९२</p>
							<p>११६ ५५</p>	<p>१२२</p>
							<p>११६ ५५</p>	<p>१२२</p>



49/55 (7)

Number of Khewat
खेवट नम्बर

नाम: (मालिक) मालिक: (पानेवाला)
थाना नम्बर
Thana Number १६०

Name of Landholder
नाम लगान पानेवाला (मालिक)

Page
सफा

8	9	10	11	12	13	14	15	16	17
	१९१	३० ब्रिगा मालिक	११५ ५५			६०		६०	२६२७
	१९२	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	१९३	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	१९४	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	१९५	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	१९६	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	१९७	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	१९८	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	१९९	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२००	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०१	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०२	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०३	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०४	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०५	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०६	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०७	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०८	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२०९	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७
	२१०	३० ब्रिगा मालिक	११५ ५५			७०		७०	२६२७



59/53

अपनी

२५२
११६ एम. ए. ए.
१६११ एम. ए. ए.

११६ एम. ए. ए. १२६९९-९९२ (६१)
६६९ एम. ए. ए. १२६९९-९९२ (६१)
११६ एम. ए. ए. १२६९९-९९२ (६१)
११६ एम. ए. ए. १२६९९-९९२ (६१)
११६ एम. ए. ए. १२६९९-९९२ (६१)



वित्तिय १६६११५

११६११
११६११
११६११
११६११
११६११
११६११
११६११

Number of
Pages
Forms
Plain paper
Printed forms
Tracing cloth
Copying fee
of words
In words
of, collected

T-8-40/14
Ext-3/1
M
१६६११
२६०३५५

१६६११
१६६११
१६६११



Court of Civil Judge (Sr-Div) A - Lohardaga
Case No. Original Suit (TS) - 40/2014
Parmeshwar Dasgupta and others

59/55

Vs.
Smt. Madhu Bhagat and others



Government of Jharkhand

Receipt of Online Payment of Stamp Duty

NON JUDICIAL

Receipt Number : 2e9c00cfc4667fcc11ac

Receipt Date : 17-Oct-2022 05:28:39 pm

Receipt Amount : 5/-

Amount In Words : Five Rupees Only

Document Type : Copy or Extract

District Name : Lohardaga

Stamp Duty Paid By : NARADMUNI DEVI

Purpose of stamp duty paid : CERTIFIED COPY

First Party Name : NA

Second Party Name : NARADMUNI DEVI

GRN Number : 2213956278

- This stamp paper can be verified in the jharnibandhan site through receipt number :-

5/24
2022

Deed No - 1552

Year - 1991

17 OCT 2022



This Receipt is to be used as proof of payment of stamp duty only for one document. The use of the same receipt as proof of payment of stamp duty in another document through reprint, photo copy or other means is penal offence under section-62 of Indian Stamp Act, 1899

इस रसीद का उपयोग केवल एक ही दस्तावेज पर मुद्रांक शुल्क का भुगतान के प्रमाण हेतु ही किया जा सकता है। पुनः प्रिन्ट कर अथवा फोटो कॉपी आदि द्वारा इसी रसीद का दूसरे दस्तावेज पर मुद्रांक शुल्क का भुगतान के प्रमाण हेतु उपयोग भारतीय मुद्रांक अधिनियम, 1899 की धारा 62 अन्तर्गत दण्डनीय अपराध है।



