

**HEADING OF A DECISION IN A CIVIL SUIT  
IN THE COURT OF THE CIVIL JUDGE (JR. DIVN.), KHURDA**

PRESENT :-

Sri Abhilash Senapati,LL.B  
Civil Judge (Jr. Divn.), Khurda.

Dated the 27<sup>th</sup> day of September, 2014

**C.S. 64/2003**

1. Pramod Sahu, aged about 34(thirty four )years,  
S/o: Late Madhab Sahu
  
2. Bijay laxmi Sahu, aged about 36 (thirty six) years,  
W/o: Late Prahallad Sahu
  
1. 3. Jyosthna Sahu, aged about 12 (Twelve) years,  
D/o: Late Prahallad Sahu
4. Swapna Sahu, aged about 8 (Eight) years,  
D/o: Late Prahallad Sahu
5. Pradosh Kumar Sahu, aged about 5(Five) years,  
S/o: Late Prahallad Sahu
6. Prakash Kumar Sahu, aged about 3 (Three) years,  
S/o: Late Prahallad Sahu  
The plaintiff Nos. 3 to 6 being minors represented through  
their mother guardian Bijoylaxmi Sahu, the plaintiff No.2
7. Annapurna Bewa, aged about 61 (Sixty one) years,  
W/o: Late Madhab Sahu

All are of Vill: Narasinghapur, P.O:Gudum,  
P.S/Dist: Khordha

..... Plaintiffs.

-Versus-

1. Madhusudan Panda, aged about 58 years,  
S/o: Late Satrughna Panda
2. Ugrasen Panda, aged about 55 years,  
S/o: Late Satrughna Panda
3. Prasanta Kumar Panda, aged about 50 years,  
S/o: Late Satrughna Panda
4. Padma Charan Panda, aged about 47 years,  
S/o: Late Satrughna Panda
5. Bhagaban Panda, aged about 44 years,  
S/o: Late Bharat Panda
6. Krupasindhu Panda, aged about 42 years,  
S/o: Late Bharat Panda
7. Trilochan Panda, aged about 60 years,  
S/o: Late Harekrushna panda

All are of Vill: Narasinghapur, P.O: Gudum  
P.S/DIst: Khrodha

.....Defendants.

8. Satrughna Sahu, aged about 53 years,  
S/o: Late Hari Sahu  
Vill: Narasinghapur, P.O: Gudum  
P.S/DIst: Khrodha

.....Prof. Defendant

Counsel for Plaintiffs ... Sri N.N Mishra ,Advocate  
& Associates  
Counsel for Defendants ... None

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Date of Argument – 11.09.2014

Date of Judgment – 27.09.2014  
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### **JUDGEMENT**

1. The plaintiff has filed this suit with a prayer for declaration of right, title and interest over the disputed land in his favour along with declaring that the record of right prepared by the consolidation authority in the year 1998 is wrong and also to pass a decree confirming the possession of the plaintiff's over the disputed property.

2. The plaintiffs' case in in nut shell is that

An area of Ac 0.081 decimal out of Ac0.180 decimal appertaining to plot No.563 under Khata No.154 corresponds to recent consolidation plot NO.668 in Khata No.178 and described as the suit property. The disputed land and the land in consolidation plot NO.69 measures a total area of Ac 0.180 decimal which originally belongs to five co-sharers in 1929-30 settlement i.e in the name of Iswara Moharapatra, Sauri Panda, Satrughna Panda, Harekrushna Panda, Udayanath Panda, Ananta Pana and Radha Dibya . The disputed property corresponds to plot NO.633 in Khata NO.41 of 1929-30 settlement. The said area of Ac 0.180 decimal is recorded in the name

of in tenants but the land was in exclusive possession of one Bhramara Mohapatra in 1961 . Bhramara Mohapatra and other legal tenants sold away the entire extent of land measuring Ac 0.180 decimal in favour of Madhaba and plaintiff NO.7 and husband of plaintiff NO.1 respectively. The said transaction took place vide sale deed No.1176 . Dtd.22.02.1961 on receipt of consideration and delivery of possession . Madhaba Sahu had another son namely Prahallad Sahu who was dead since 5 months back. Even though Bhrama Mohapatra was in exclusive possession but since 1929-30 the record of right stood in the name of the above five tenants. Harekrushna Panda died living behind his two sons i.e Hadibandhu and Trilochana. Anata died as Bachelour. Sauri Panda has executed the deed along with Bharamara, Hadibandhu, Udayanath , Radha and Satrughna . The defendant Nos. 1 to 5 are the sons and wife of Satrughna Panda. The defendant Nos. 6 & 7 are the two sons of one Bharat Panda. Neither the defendant Nos. 6 & 7 nor was father Bharat have any concern over the suit land. While Madhaba Sahu was in exclusive possession over the entire area the sabik plot No.633 , he had sold  $\frac{1}{2}$  share of the area i.e Ac 0.090 for consideration to proforma defendant NO.9 under registered deed of sale bearing No.2219 after death of the said Madhaba Sahu . The plaintiff No.7 and late husband of Plaintiff No.2 have sold Ac 0.009 decimal from the rest  $\frac{1}{2}$  of said Sabik plot in favour of proforma defendant No.9 and give delivery of possession on the same day. The plaintiff after such sale are the owners in possession of the rest area of Ac 0.0081 decimal the land of proforma defendant No.9 has been recorded as plot No.668. While the said Madhaba Sahoo brought the entire Sabik plot No.563 om 1961, the settlement operation almost got completed and only the final

published record of rights was left to be described. As such the fact of purchased of the land by Madhaba saho would not be entertained while correcting the R.O.R and wrongly the record of rights of the year 1962 reflected the names of the previous tenants. During the last consolidation operation the plaintiff Nos. 1 to 7 and the late husband of plaintiff No.2 have submitted the deed in question of the year 1961 and have submitted that out of the total area in plot No.563 and area of Ac 0.099 decimal has been sold to proforma defendant No.9. Despite such submission by both oral and documentary consolidation authorities most illegally in respect of recording it in favour of the plaintiff's have recorded the names of the defendant and proforma defendant in the consolidation R.O.R of 1998. The plaintiffs are in anticipation for getting the R.O.R in their favour. Father of defendant declared publicly to transfer the entire land , the plaintiff enquired into the matter and would inherent that in respect of recording their names. The names of the defendants have been fraudulently and wrongly recorded in respect of the disputed land. The defendant by taking advantage of such wrong recording are publicly stating to transfer the said land. The plaintiff are in owner in possession of the disputed property . The defendants have no manner of right, title , interest or possession over the disputed property. As such disputed property is in peaceful and continuous possession of the plaintiff and prior to it by Madhaba Sahoo since more than a period of 42 years.

3. The cause of action for this suit arose on 15.06.2003 when the defendant publicly stated to sell the disputed properties. Hence the plaintiff has prayed for a decree declaring the right, title, interest of the

plaintiff over the disputed land along with declaring the record of right prepared by the consolidation authorities as wrong along with confirming the possession to the plaintiff over the disputed property and to state that the plaintiff has perfected his title by way of adverse possession.

4. The defendants have neither appeared nor have filed their W.S in this case and hence were set exparte.

5. In order to prove its case the plaintiff has examined only two witness and has exhibited three documents . While to disprove the averments of the plaintiff the defendants has neither adduced any evidence nor exhibited any document.

6. P.W.1 who is the plaintiff in this suit has corroborated his entire plaint and P.W.2 who is a witness of the plaintiff has also corroborated to the entire plaint to it.

7. Coming into the documents filed by the plaintiff it is seen that Ext.1 is the certified copy of sale deed No.1176/ dtd.22.02.1964 which shows that the vender had sold the Madhaba son of an area about Ac 0.180 decimal .Ext.2 is the Hal Sabik co-relation which shows that in the year 1962 settlement plot No.563 was contained in plot No.68 of area Ac 0.081 decimal and in plot No. 669 in area Ac 0.099 decimal in Khata No.178 respectively as per 1998 settlement. Ext.3 is the certified copy of R.O.R in Khata No.178 which shows that Madhusudan , Ugrasen, Prasanna, Padma Charan, Purnabasi,

Bhagaban , Krupasindhu , Tilochana and Satrughna who were recorded owner of 668 and 669 . he has also filed the copy of the another sale deed bearing No.1126 dtd.22.02.1961 which shows as to how the vender Madhaba Sahu came into possession over the suit land. The above documents clearly shows that the plaintiff has got right, title interest over the same . The corroborative evidence clearly shows that the plaintiff has a person in possession over the suit land since many years and nevertheless has also perfected his title by way of adverse possession and is thereby entitled to in this suit. Hence order.

**ORDER**

The suit be and the same is decreed on exparte against the defendants but without costs. The right , title , interest along with the possession over the suit land is hereby declared in favour of the plaintiff . The plaintiff is to take steps for correction of his R.O.R.

**(ABHILASH SENAPATI)**  
**CIVIL JUDGE(JR.DIV), KHURDA.**

Transcribed to my dictation, corrected and signed by me and pronounced in the open court this the 27<sup>th</sup> day of September, 2014.

**(ABHILASH SENAPATI)**  
**CIVIL JUDGE(JR.DIV), KHURDA.**

**List of witnesses examined on behalf of Plaintiff :-**

P.W.1: Pramod Kumar Sahoo

P.W.2: Kashi Sethi

**List of witnesses examined on behalf of Defendants. :-**

NIL

**List of documents proved on behalf of the Plaintiff :-**

Ext.1 Registered sale deed bearing NO.94/ dtd.30.05.1995

Ext.2 Application of information

Ext.3 Certified copy of R.O.R under Khata No.178.

**List of documents proved on behalf of the Defendants :**

NIL

**(ABHILASH SENAPATI)  
CIVIL JUDGE(JR.DIV), KHURDA.**