

HEADINGS OF DECISION IN CIVIL SUITS  
IN THE COURT OF 1ST. ADDL. SENIOR CIVIL JUDGE, BHUBANESWAR

**Present :- Pranab Kumar Routray**  
**1<sup>st</sup> Addl. Senior Civil Judge,**  
**Bhubaneswar**

**C.S No.65/2009**

Nrusingha Prusty, aged about 38 years,  
S/o Late Jogi Prusty @ Jogendra Prusty  
Village-Kaimatiapatna, PO-Kaimatia,  
P.S- Jatni, District- Khurda.

... **Plaintiff**

- Versus -

1. Bidyadhar Prusty, aged about 43 years,  
S/o Baikuntha Sahoo, Vill. Gangapatna  
P.S- Chandaka, Dist. Khurda,  
at present Kaimatia Patna, PO-Kaimatia  
P.S-Jatni, Dist. Khurda.
2. Muralidhar Prusty, aged about 38 years,  
S/o Nilamani Prusty, Vill. Kaimatiapatna,  
PS- Jatni, Dist. Khurda.
3. Smt. Ranjan Sahoo, aged about 36 years,  
W/o Jibananda Sahoo, D/o Nilamani Prusty,  
Village/Po-Bhimpur, P.S- New Capital,  
Dist. Khurda.
4. Aruna Kumar Pattnaik, aged about 67 years,  
S/o Late Gyanaranjan Pattnaik,  
Plot No.15/2381, Janalok,  
Near Khandagiri Chhak,  
P.O/P.S. Khandagiri, Dist. Khurda.

... **Defendants**

5. Baraju Prusty @ Brajabandhu Prusty,  
aged about 70 years,  
S/o Late Maheswar Prusty,  
Village-Kaimatiapatna,  
P.O-Kaimatia, P.S.-Jatni, Dist. Khurda.

6. Narayan Prusty, aged about 46 years,  
S/o Baraju Prusty, of village-Kaimatiapatna,  
P.O-Kaimatia, P.S- Jatni, Dist. Khurda.
7. Rama Dei, aged about 60 years,  
D/o Late Sapani Prusty, village-Kaimatiapatna,  
P.O-Kaimatia, P.S- Jatni, Dist. Khurda.
8. Phagu Prusty, aged about 40 years,  
S/o Late Govinda Prusty,  
Village-Kaimatiapatna,  
P.O-Kaimatia, P.S-Jatni, Dist. Khurda.
9. Nilamani Prusty, aged about 60 years,  
S/o Late Baikunthanath Prusty.
10. Bihari Prusty, aged about 30 years,  
S/o Nilamani Prusty,
11. Nirupama Sahoo,  
D/o Nilamani Prusty,
12. Antaryami Prusty, aged about 32 years,  
S/o Nilamani Prusty,
13. Padmavati Sahoo, aged about 28 years,  
D/o Nilamani Prusty.

Sl. Nos.9 to 13 are of village- Kaimatiapatna,  
P.O-Kaimatia, P.S- Jatni, Dist. Khurda.

14. Pravakar Sahoo, aged about 70 years,  
S/o Late Basudev Sahoo,  
Village- Kaimatiapatna,  
P.O- Kaimatia, P.S- Jatni, Dist. Khurda.

.... **Proforma defendants**

### **COUNSEL APPEARED**

For Plaintiff : Sri Kamdev Tripathy and associates.

For Defendant  
no.1 : Sri Pradeep Kumar Mohapatra and  
associates.

nos.2 to 6 and 8 to 14 : Exparte

no.7 : Dismissed vide dtd.02-09-2010

Date Of Conclusion Of Argument : **19 -05-2015**

Date Of Judgment : **18-06-2015**

**(After Summer Vacation)**

### **J U D G M E N T**

This is a suit for declaration, cancellation of sale-deed, confirmation of possession and for permanent injunction.

2. The case of plaintiff in brief is that, he is the adopted son of Jogi @ Jogendra Prusty. He was taken in adoption with consent of his natural parents on the day of Sripanchami in the year 1980, in presence of relatives, friends, priest and others. A registered deed of adoption was executed on dtd. 27-09-1996. So far as the schedule of properties described in schedule-A to D are concerned, it is pleaded that schedule-A property stands recorded in the name of the father of plaintiff and others, schedule-B property has been purchased by the father of plaintiff and others. In the year 1979, the property has been partitioned mutually by the co-sharers and the plaintiff's father was in peaceful possession over his share of land which is described in schedule-C of the plaint. So, the plaintiff is in peaceful possession over the suit land having right, title and interest. When his adoptive father Jogi was not feeling very well, he executed a ' Last Will ' and testament on 06-01-2007 in his favour. On 28-12-2008 the plaintiff came to know that defendant no.1 Bidyadhar Prusty S/o Baikunthanath Sahu, claiming himself as son of Jogendra Prusty along with defendant nos.2 and 3 executed

and registered a sale deed on dtd.12-12-2008 in favour of defendant no.4 for an area of Ac.0.130 decimals without any legal right. The said land is a portion of schedule-C property and is described in schedule-D of the plaint. When plaintiff is in peaceful possession over the suit land, defendant no.4 along with defendant nos.1,2 and 5 are trying to create disturbance over the same and defendant no.4 is also trying to alienate the said illegal purchased land to some other person. Defendant no.1 knowing very well that plaintiff is the adopted son of late Jogi Prusty and he is no way connected with Jogi Prusty yet to grab the suit land and to harass the plaintiff, he has joined hands with defendant nos.2,3 and 4 and is trying to dispossess plaintiff from the suit land. They threatened the plaintiff with dire consequence unless he vacated possession over the said purchased land. Hence, the plaintiff has filed the suit for declaration, confirmation of possession, cancellation of the registered sale deed and for permanent injunction.

**3.** Defendant no.1 filed written statement challenging the suit on its maintainability, cause of action and valuation. It is denied that plaintiff is the adopted son of Jogi @ Jogendra Prusty and that Jogi had registered a deed of adoption on dtd. 27-09-1996 and that plaintiff is in peaceful possession over the suit land as true owner and that Jogi has executed Will and testament on 06-01-2007 in favour of the plaintiff and that defendant nos.1 to 3 had no legal right to execute sale deed dtd.12-12-2008 in favour of defendant no.4 in respect of schedule-D land and that they gave threat to plaintiff to vacate possession

over the purchased land of defendant no.4. The real fact mentioned by this contesting defendant is that one Jambu Prusty had two children namely Jogi @ Jogendra Prusty and Nishamani Prusty. Nishamani died soon after birth of defendant no.1. Jogi and his wife Taramani had no issue. They requested Baikunthanath, the natural father of defendant no.1 to give defendant no.1 in adoption to them which Baikunthanath agreed. On the day of Srigundicha in the year 1962, defendant no.1 was given in adoption to Jogi @ Jogendra Prusty as per custom and rituals. Name of defendant no.1 as Bidyadhar with nick name 'Prakash' was given by Jogi in the Namakarana puja ceremony and since then defendant no.1 has been treated as natural son of Jogi and Taramani and known as Bidyadhar @ Prakash to the knowledge of all including the plaintiff. It is further stated that the plaintiff is son of Baraju who resides near the house of defendant no.1 and they have covet eyes over the property of Jogi for which they have hatched a plan to acquire it by any means. It is claimed that the so called adoption deed dtd. 27-09-1996 is a fake document whereon father of defendant no.1 had neither put his L.T.I nor executed the same in presence of witnesses because on that relevant date they had visited the house of defendant no.1's inlaw to attend marriage function. The plaintiff has impersonated someone as Jogi before the Sub-Registrar and executed the so called adoption deed. Defendant no.1 being the owner in possession of schedule-C property as well as property under suit khata no.90, plot no.148, area Ac.0.195 decimals have executed registered sale deed dtd. 12-12-2008 in favour of defendant no.4 which is a valid

document. With the aforesaid pleadings it is prayed for dismissal of the suit.

4. Defendant nos. 5 and 8 to 13 have jointly filed a written statement supporting the plaint averments but they have been subsequently set ex parte. They have further stated that originally Jambu Prusty and Maheswar Prusty were two brothers. Jambu had two sons namely Jogi and Baraju(defendant No.5) and one daughter namely Nishamani. Maheswar was issueless for which he adopted Baraju. One Badani Prusty was the first wife of Baraju who gave birth to Narayana (defendant no.6) and two daughters. After death of his first wife, Baraju again married to Kumuda Prusty and out of their wedlock Nrushingha (plaintiff), Nambu and Sambhu were born. Nishamani, the daughter of Jambu died leaving behind her son Bidyadhar (defendant No.1) and her husband Baikunthanath. Baraju took the newly born child i.e Bidyadhar in his custody. Since Jogi was issue-less, he adopted Nrusingha (plaintiff) as his son with the knowledge of whole world and for the betterment of the plaintiff one adoption deed was executed with consent of his natural parents. Since plaintiff was adopted to Jogi, the other two sons of Baraju namely Bidyadhar and Narayan demanded some land from Baraju for which Baraju registered a sale deed vide no.41 dtd 26-09-1990 in their favour showing Bidyadhar as son of Baraju. Another sale deed vide R.S.D. No.1250 dated 29-06-1990 was also executed by Baraju in favour of Bidyadhar and Narayan mentioning them as his son. With this pleadings, they have prayed that the suit be decreed in favour of plaintiff.

5. The suit against defendant No.7 has been dismissed vide order dated 02-09-2010. The other defendants have not filed written statement and set exparte.

6. With the aforesaid pleadings on record the following issues have been settled:

### **ISSUES**

- 1) Whether the suit is maintainable?
- 2) Whether there is cause of action to file the suit ?
- 3) Whether the suit is undervalued ?
- 4) Whether the plaintiff or defendant no.1 is adopted son of Jogi Prusty?
- 5) Whether the plaintiff has right, title and interest over the share of Jogi?
- 6) Whether the sale deed executed by defendant nos.1 to 3 in favour of defendant no.4 is a legal and valid document?
- 7) Whether the plaintiff is entitled for relief, confirmation of possession and permanent injunction?
- 8) To what other relief(s) the plaintiff is entitled for?

7. Plaintiff has examined three witnesses including himself as P.W.1. The other two witnesses are his co-villagers. Documents vide Exts.1 to 16 have been brought into evidence. On the other hand, five witnesses have been examined from the side of defendants of whom defendant no.1 is examined as D.W.1, his father is D.W.2, two co-villagers as D.Ws.3 and 4 and defendant no.6 is examined as D.W.5. Documents vide Exts.A

to Y/1 have been brought into evidence. List of documents from both sides in detail is given at the foot of judgment.

With the aforesaid evidence on record the issues as framed are to be answered.

## **FINDINGS**

### **8. Issue no.4**

This is the principal issue and hence, taken up at first. The plaintiff claims that he is adopted son of Jogi Prusty whereas defendant no.1 claims that plaintiff is not the adopted son, rather he is adopted son of said Jogi Prusty. Law is well settled that the person who claims adoption must discharge the burden by proof of the factum of adoption and its validity (AIR 1964 SC 136). Therefore, in the case at hand, equal onus is on the plaintiff and defendant no.1 to prove factum of adoption.

**9.** On perusal of evidence it is found that there is no dispute that plaintiff is the natural son of Baraju Prusty and defendant no.1 is natural son of Nishamani and Baikuntha. There is no dispute that Nishamani and Baraju are natural sister and brother of Jogi Prusty respectively but Baraju has been adopted to his uncle Maheswar. Adoption of Baraju to Maheswar is seen from cross-examination of plaintiff (PW 1) in para-24 and plaintiff has also shown his natural father Baraju Prusty (defendant No.5) as son of Maheswar Prusty in the cause title of the plaint. Plaintiff claims that on the day of Sripanchami in the year 1980 he was adopted to Jogi Prusty in presence of relatives, friends, agnates and others and a deed of adoption was executed vide Registered Deed no.490 dtd.27-09-1996. The said deed is

marked as Ext.2. On perusal of the same, it is found that this is not a deed of adoption but a deed acknowledging adoption. This is a registered deed. So as per Section 16 of Hindu Adoption and Maintenance Act the Court shall presume that adoption has been made in compliance with the provision of the Act unless and until it is disproved. Defendant no.1 has tried to disprove the adoption by filing some documents vide Ext.R , sale deed executed by Jogi Prusty in favour of the plaintiff and others in the year 1992 showing plaintiff as son of Baraju Prusty. Perusal of Ext.R reveals the said fact. Defendant no.1 has also produced voter list for the year 2009, 2011 and 2012 vide Exts.E, E/1 and W respectively, wherein it is mentioned that Nrusingha Prusty (plaintiff) is son of Brajabandhu Prusty. P.W.1 in para 38 of his cross-examination has deposed that he did not know the date of death of his adoptive mother Taramani but she died when he was aged about 5 to 7 years. In the same para, he deposed that he was aged about 10 years at the time of his adoption. The plaintiff was aged about 40 years in 2011 when he filed his examination-in-chief. He claims to have been adopted in the year 1980 which shows that he was aged about 10 years at the time of adoption. As seen from cross-examination of PW 2 in para-13, Tara, wife of Jogi Prusty was not alive in the year 1980. Hence, from evidence of these witnesses it is proved that by the time of adoption the wife of Jogi Prusty namely Taramani was not alive whereas in Ext.2 it is reflected that the natural parents after giving consent for adoption of plaintiff, they handed over the plaintiff in the hands of wife of Jogi Prusty. Hence, contents Ext.2 is not believable. This apart, it is gathered from evidence that plaintiff was aged about

24 years at the time of execution of Ext.2 but in para 38 of his cross-examination, he has stated that he does not have any knowledge regarding execution of the said document. Plaintiff also relies on Ext.3 claiming it to be the last Will of Jogi Prusty which defendant no.1 is denying. However, the genuineness of the Will is to be decided in the probate proceeding and not in this case. Defendant no.1 also relies on a document vide Ext.Y which is information obtained under RTI Act wherein the transfer certificate issued by Headmaster, Madanpur High School shows that Nrusingha Prusty (plaintiff) is son of Brajabandhu Prusty who left the school on 31-05-1986. On the other hand, defendant no.1 relying on Ext.B, School Leaving Certificate issued by Headmaster, Kaimatia Project School in the year 2008 claims that it is mentioned in the certificate that he is son of Jogi Prusty whereas the plaintiff objects this certificate on the ground that name of defendant is written as Prakash Chandra Prusty instead of Bidyadhar Prusty. Defendant No.1 also relies on voter lists vide Exts.E and W wherein he has been shown as son of Jogi Prusty. Denying defendant No.1 as the son of Jogi Prusty, the plaintiff has filed sale deed dated 29-06-1990 vide Ext.5 which has been executed by Baraju Prusty in favour of Narayan(defendant No.6) and defendant no.1 wherein defendant no.1 is shown as son of Baraju Prusty and in the said document, Jogi Prusty is a consenting party. The plaintiff claiming himself as son of Jogi Prusty has filed a sale deed dated 12-03-2004 vide Ext.6 executed by Jogi Prusty in favour of one Harihar Prusty wherein the plaintiff is consenting party to the deed but shown as son of Jogi Prusty. Hence, it is found that there

are inconsistent documents regarding adoption of plaintiff as well as defendant no.1. Under such circumstances, in view of decision reported in AIR 1964 SC 136, the oral evidence is to be looked into to find out whether plaintiff or defendant no.1 has been adopted to Jogi Prusty.

**10.** In the case of L. Debi Prasad(Dead) by LRs.-Vs.- Smt. Triveni Devi and others, AIR 1970 SC 1286, it has been held that “ giving and receiving are absolutely necessary to the validity of adoption and they are the operative part of the ceremony being that part of it which transfers the boy from one family to another”. Therefore, in view of the said decision of Hon’ble Apex Court, the ceremony of giving and taking is very essential for the validity of adoption. In the case at hand, plaintiff claims he was adopted in 1980 whereas defendant no.1 claims that his adoption taken place in 1962. From the side of plaintiff, two co-villagers, one is aged about 60 years and the other aged about 55 years have been examined as P.Ws.2 and 3 to prove factum of adoption. On the other hand, besides examining himself defendant no.1 has examined his natural father who is aged about 80 years as D.W.2, a co-villager, aged about 75 years as D.W.3, his neighbour of 45 years of age as D.W.4. The natural elder brother of plaintiff is examined as D.W.5. He is a very vital witness from the side of defendant who deposed that defendant no.1 is adopted son of Jogi Prusty and plaintiff is not the son of Jogi Prusty. He is about 13 years elder to plaintiff. So, he was aged about 22 years by the time of alleged adoption of plaintiff. His statement that plaintiff is not adopted son of Jogi Prusty is against his own interest. Hence,

his evidence carries some weight. However, his evidence as regards to witnessing the puja ceremony and handing over of defendant no.1 by his natural parents to his adoptive parents is unbelievable because he was aged about four years by that relevant period which means he has not attained age of discretion by that time.

**11.** Natural father of plaintiff namely Baraju Prusty is alive but plaintiff did not prefer to examine him as a witness to prove the factum of adoption which certainly draws adverse inference. The priest, barber or any other relation have not been examined to prove giving and taking ceremony. PWs 2 and 3 who are co-villagers of the plaintiff have simply deposed that Jogi Prusty had adopted the plaintiff with consent of his natural parents on the day of Sripanchami in the year 1980 in presence of relatives, friends, Kutumba, pandit, priest and others. It is seen that both the witnesses have not deposed about the ceremony performed and particularly about giving and taking ceremony. P.W.3 could not be able to say the name of natural mother of the plaintiff but claims that he knows the plaintiff for last 40 to 42 years. In absence of examination of natural father of plaintiff, Brahmin or barber who have performed the adoption ceremony, it can not be held basing on the parrot like statement of P.Ws.2 and 3 that giving and taking ceremony was performed. Hence, the plaintiff has failed to prove the factum of adoption.

**12.** Now coming to giving and taking ceremony held in respect of defendant no.1 to prove validity of adoption, evidence of D.W.5 is not at all helpful because it is already held that he has not got age of discretion at the time of adoption of defendant no.1. Evidence of D.W.4 is only in respect of production of Ext.Y, information obtained under RTI Act from Inspector of Schools, Khurda to prove that plaintiff is not the adopted son of Jogi Prusty. He has also not deposed about adoption of defendant no.1 by Jogi Prusty. His evidence reveals that he only wanted to disprove the adoption of plaintiff. Hence, rest evidence of D.Ws.1 to 3 is to be seen.

**12(a)** Natural father of defendant no.1 is examined as D.W.2. In his examination-in-chief, he has simply deposed that Jogi Prusty and his wife Tara Prusty had no issue of their own. They decided to adopt defendant no.1 as their son. Two months before Sri Gundicha day of 1962 late Jogi and his wife approached him to give consent for adoption of defendant no.1 who was then two and half months old and was looking after by Smt. Tara Prusty due to death of Nishamani. He agreed to the said proposal. Late Jogi Prusty arranged a puja ceremony in his house on the Sri Gundicha day and in the said ceremony he handed over defendant no.1 to late Tara Prusty and Jogi Prusty in presence of relatives, brahmin, barber and villagers of Kaimatia, who then taken over defendant no.1 as their adopted son and since then defendant no.1 has been residing in the house of Jogi Prusty as his son for all practical purposes. This much of evidence has been deposed by D.W.2 in his examination-in-chief. He is cross-

examined at length. His cross-examination reveals that he does not know when defendant no.1 got married. He answered that he used to call him as Prakash and sometimes as Bidyadhar as his nick name is Bidyadhar. This statement of D.W.2 seems to be false because there is no occasion on his part to call defendant no.1 in any name because he has admitted that he has not given education to Prakash because he was adopted to Jogi, he does not know Prakash has studied up to which class, he does not know when Prakash got married. Therefore, no such occasion has arisen to call defendant no.1 as Prakash and sometimes as Bidyadhar. His cross-examination reveals that defendant no.1 is only his natural son. D.W.2 has not got married for second time when he gave adoption of defendant no.1. It is evidence on record that D.W.2 got married for the second time and he has two daughters through his second wife. Though there is no legal bar to give adoption of a single male child but it is quite natural that a person having single male child would not give him in adoption. The circumstances in which the single male child was given in adoption must be satisfactorily explained. Reliance may be placed in the matter in the decision reported in AIR 1996 Orissa 38 between Raghunath Behera-Vs.-Balaram Behera. It is further held in the said decision that such adoption being unusual strong evidence is required in proof of such adoption. It is also found that by the time of adoption of defendant no.1 i.e. in the year 1962, Jogi Prusty was aged about 32 years. So Jogi Prusty and his wife were quite young. There is no evidence that there was no chance of procreating a child by them. The circumstance is also not explained that as to why they chose to adopt a child during their

young age. Hence, it is gathered that defendant no.1 was not given in adoption rather was given in custody of Tara Prusty to look after him because his mother Nishamani died when he was two and half months old. This apart, evidence of D.W.2 shows that he has disposed of all his properties. Hence, it is seen that he being the natural father is an interested witness for defendant no.1. Further, the examination-in-chief of D.W.2 does not reveal that what sort of puja ceremony was observed and whether it was followed by a feast rather it is gathered that he has just tried to depose that giving and taking ceremony was performed in order to prove the factum of adoption. This apart, evidence of D.W.1 as seen in para 13 of his cross-examination says that he and Narayan Prusty(D.W.5) i.e. son of Baraju Prusty are staying on the same plot but by separate mess and separate house. Such evidence of D.W.1 reveals that he is not staying in the house of Jogi Prusty. Though it is found from evidence on record that defendant no.1 is staying in the village of Kaimatia since childhood but analysing evidence of his natural father it is gathered that he was left at the said village after death of his mother for his care and upbringing.

**12(b)** On careful perusal of evidence of D.W.3, it is found that he is not in good terms with the plaintiff. The names of brahmin, barber who have performed the adoption ceremony differs from the names as stated by D.W.2. He has deposed that Narayan Prusty (D.W.5) was present in the puja ceremony. It is already observed that Narayan Prusty was aged about only four years at the time of adoption of defendant no.1. So it is quite

natural that a person of 75 years of age would not depose while adducing evidence on the giving and taking ceremony of an adoption that a child of four years of age was present in the adoption ceremony. Such evidence was laid only with intention that D.W.5 will be examined subsequently who would corroborate his version to prove the factum of adoption.

**12(c)** Hence, considering the evidence adduced from the side of defendant no.1, it is held that he also failed to prove the factum of adoption.

**13.** From the aforesaid findings, it is held that neither the plaintiff nor defendant No.1 are adopted son of Jogi Prusty. This issue is answered accordingly.

**14. Issue Nos. 5,6 and 7**

These three issues are interlinked. The plaintiff claims that defendant No.1 alongwith other co-sharers defendant Nos.2 and 3 who are co-sharers have illegally alienated the share of plaintiff to defendant No.4 for which, he prays that the sale deed dated 12-12-2008 in respect of schedule D' property is void and illegal. It is already found that plaintiff's natural father namely Baraju Prusty is adopted to Maheswar though he is natural brother of Jogi Prusty. So, plaintiff will not come in the category of Class-I or Class-II heir of Jogi Prusty. Hence, he has no right, title and interest over the share of Jogi Prusty. The only sister of Jogi Prusty namely Nisha, the natural mother of defendant No.1 had pre-deceased Jogi Prusty. Hence, it is found that Jogi died

leaving behind one son of his pre-deceased sister and he is none other than defendant No.1. So, defendant No.1 will succeed the property of Jogi Prusty in natural course of succession as a class II heir. So, he is at liberty to deal with the property of Jogi Prusty in any manner. Hence, the sale deed executed by him for any portion of property of Jogi Prusty is not an illegal or invalid document. The plaintiff having no title over the share of Jogi Prusty is not entitled for the relief of confirmation of possession over the suit land and for permanent injunction against the defendants. These issues are answered in negative and against the plaintiff.

**15. Issue No.1, 2, 3 and 8**

These issues are formal in nature. Though the plea of defendant No.1 regarding valuation of suit is an evasive plea but in view of finding under Issue no.4 to 7, there is no cause of action to file the suit, nor the suit so filed is maintainable. The plaintiff is neither entitled for any relief sought for nor for any other relief. Hence, it is ordered.

**ORDER**

The suit be and the same is dismissed on contest against defendant no.1 and ex parte against defendant nos.2 to 6 and 8 to 14 but under the circumstances without any cost.

***1st. Addl. Senior Civil Judge,  
Bhubaneswar.***

The judgment is typed to my dictation by the typist attached to this Court directly on the computer provided under E.Court Project, corrected during summer vacation and pronounced by me in the open Court after summer vacation i.e. on the 18<sup>th</sup> day of June, 2015 under my seal and signature.

*1st. Addl. Senior Civil Judge,  
Bhubaneswar.*

**List of Witnesses examined for the Plaintiff:**

- P.W.1: Sri Nrusingha Prusty,  
P.W.2: Sri Harihar Prusty,  
P.W.3 Sri Jagabandhu Jaysingh,

**List of Witnesses examined for the Defendants :**

- D.W.1 Sri Bidyadhar @ Prakash Prusty,  
D.W.2 Sri Baikunthanath Sahoo,  
D.W.3 Sri Kedarnath Swain,  
D.W.4 Sri Mahendra Sahoo,  
D.W.5 Sri Narayan Prusty,

**List of Documents marked as Exhibits for the Plaintiff:**

- Ext.1: R.O.R under Khata No.57 ;  
Ext.2: Registered adoption deed No.490 dtd. 27-09-1996 ;  
Ext.3: Registered Will no.3 dtd. 06-01-2007 executed  
by Jogi Prusty ;  
Ext.3/a: Signature of P.W.2 on Ext.3 ;  
Ext.4 : Death certificate of Jogi Prusty ;

- Ext.5: Certified copy of Registered Sale Deed no. 1250  
dtd. 29-06-1990 executed by Baraju Prusty in favour of  
Narayan & Bidyadhar ;
- Ext.6: Registered Sale Deed no.2393 dtd. 12-03-2004 ;
- Ext.6/a: Signature of P.W.2 on Ext.6 ;
- Ext.7: Certified copy of Registered Sale Deed no.598  
dtd. 12-03-1974 in favour of Baraju & Jogi Prusty ;
- Ext.8: Certified copy of Registered Sale Deed no.196  
dtd. 28-01-1972 executed by Braja Kishore Mangaraj &  
another in favour of Jogi Prusty & Baraju Prusty ;
- Ext.9: Rent Receipt Khata no.78 ;
- Ext.10: Rent Receipt Khata no.90 ;
- Ext.11: Rent Receipt Khata no.112 ;
- Ext.12: Rent Receipt Khata no.151 ;
- Ext.13: Rent Receipt in respect of Khata no.19 ;
- Ext.14: Rent Receipt of Khata no.57 ;
- Ext.15: Rent Receipt of Khata no.5 ;
- Ext.16: Certified copy of the Registered Sale Deed no.18814  
dtd.12-12-2008 ;

**List of Documents marked as Exhibits for the Defendants :**

- Ext.A: Certified copy of Registered Sale Deed no.2086  
dtd.18-08-2009 ;
- Ext.B: School Leaving Certificate of D.W.1 ;
- Ext.C (with objection) : Horoscope prepared by D.W.1's father  
Jogendra Prusty ;
- Ext.D(with objection) : Death Certificate of D.W.1's father ;

Exts.E and E/1 : Certified copy of voter list of 2009 and 2011 ;

Ext.F : Certified copy of R.O.R bearing Khata no.57 of  
Mouza Kaimatiapatana ;

Ext.G: Certified copy of R.O.R bearing Khata no.90 of  
Mouza Jagasara filed by D.W.1 ;

Ext.H : Certified copy of R.O.R bearing Khata no.254 of  
Mouza Jagasara ;

Ext.J : Certified copy of R.O.R bearing Khata no.137 of  
Mouza Jagasara ;

Ext.K : Certified copy of R.O.R bearing Khata no.78 of  
Mouza Jagasara ;

Ext.L : Certified copy of R.O.R of Khata no.112 of  
Mouza Jagasara ;

Ext.M : Certified copy of R.O.R of Khata no.17 of  
Mouza Jagasara ;

Ext.N : Certified copy of R.O.R of Khata no.151 of  
Mouza Jagasara ;

Exts.P to P/17 (with objection) : 18 nos. of rent receipts ;

Ext.Q : Certified copy of Registered Sale Deed no.1140  
dtd.20-04-2005 ;

Ext.R : Certified copy of Registered Sale Deed no.87  
dtd.21-01-1992 ;

Ext.S : Certified copy of Registered Sale Deed no.2815  
dtd.17-12-1972 ;

Ext.T : Certified copy of Registered Sale Deed no.2208  
dtd.17-03-1969 ;

Ext.U : Certified copy of Registered Sale Deed no.4227  
dtd.22-05-1970 ;

Ext.V : Certified copy of Registered Sale Deed no.1723  
dtd.24-05-1974 ;

Ext.W : Voter list of Ward no.11 of Madanpur Gram Panchayat  
which D.W.1 have collected through R.T.I Act ;

Ext.Y : R.T.I report given by Inspector of Schools, Khurda-cum-  
P.I.O Shri H.H. Mishra vide no.10953 dtd.23-07-2009  
containing five pages ;

Ext.Y/1 : Receipt dtd.09-07-2009 acknowledging receive of  
D.W.3's R.T.I application ;

***1st. Addl. Senior Civil Judge,  
Bhubaneswar***

