

**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 30th day of September, 2014

C.S. 81/2005.

1. Bidulata Nag, aged about 37 yrs, W/o- Lokanath Nag of Vill.-
P.O.- Dingar,
P.S.- Begunia, Dist- Khordha.

..... Plaintiff.

-Versus-

1. Basanta Kumar Bhuian, aged about 48 yrs, S/o- Late Laxman Bhuian.
 2. Sarbeswar Bhuian, aged about 35 yrs, S/o- Late Rama Chandra Bhuian.
- All are of Vill.- P.O.- Dingar, P.S.- Begunia, Dist- Khordha.

..... Defendants.

Counsel for Plaintiffs

... Sri A.K. Pattanaik,
Advocate & Associates.

Counsel for defendant

... Ex-parte.

.....
Date of Argument – 12.09.2014

Date of Judgment – 30.09.2014
.....

JUDGEMENT

1. The plaintiff has filed the suit with a prayer for permanent injunction along with restraining the defendants from entering into the suit property and from creating any disturbances or mischief in the peaceful possession of the plaintiff along with passing of a decree over the suit land.

02. The plaintiff's case in a nutshell is that -

He had purchased a piece of land under khata No. 230, plot No. 913/1862 having an area of Ac. 0.025 decimals and plot No. 914/1863 having an area of Ac. 0.060 decimals which is the subject matter of the dispute and hereinafter turned as the suit property. The plaintiff has purchased the suit property from the defendants vide registered sale deed No. 261 dt. 28.04.2004 for a valuable consideration of Rs. 36,000/- and got possession in her favour by the defendants and since then the plaintiff is possessing the suit land and has subsequently mutated her name in the revenue record. Although there are two plots, but the suit plot has been amalgamated with each other having one boundary. The plaintiff for his better use has constructed one room over the suit property by utilizing the old materials, which has been collected from her old house at the time of remodeling of her own house., The plaintiff utilizing the aforesaid house as her old house and has utilizing the rest portion of the suit property for the purpose of BADI and in the present rainy season she

has raised seasonal vegetables over it. Although the defendants have sold the property to the plaintiff and had delivered possession, the wife of the defendant No. 1 has been creating disturbances with the plaintiff on 08.08.2005 and the defendant No. 1 has also assisted her with an intention to encroach upon the suit property, leading to an hurt exchange of words between the parties. Finding no other alternative the plaintiff took the shelter of the court of the Executive Magistrate and filed a petition U/s- 144 Cr.P.C. Vide Case No. 438/2005 in which the defendants were restrained and directed to file show cause, but although the defendant No. 1 and his wife appeared in the court, but they could not file any show cause for which the order was made absolute against them. In the mean time defendant No. 2 also corroborated with defendant No. 1 for the aforesaid purpose. Again the defendants on 13.10.2005 created prayer for which the plaintiff took shelter before local police leading to a compromise between the parties, but the defendants did not respect to the compromise and on every occasion tried to breach of peace.

The cause of action of this suit arose on 08.08.2005 and on 13.10.2005 as described in the above paragraph. Hence the plaintiff has prayed for passing of a decree of permanent injunction to restrain the defendants from entering into the suit property and from creating any disturbances or mischief in the peaceful possession of the plaintiff.

03. The defendants although had appeared in the suit, but had not taken part during hearing of this suit for which they were set ex-parte.

04. The plaintiff has examined two witnesses including herself as P.W. 2 and has exhibited four documents, which includes registered sale deed No. 216, ROR of khata No. 230 of mouza Dingara, Original ROR of khata No. 230 and rent receipt.

05. P.W. 1, who is the husband of the plaintiff has in his entire evidence stated that the suit has been filed by his wife and that the defendants are his co-villagers. The suit properties are situated in mouza Dingara having an area of Ac. 0.085 decimals purchased in the name of his wife, i.e. the plaintiff from the defendants vide registered sale deed No. 261/2004 for a valuable consideration. Though the suit properties are two plots, but the said plots are amalgamated with each other having one boundary and for her betterment she has constructed one roomed house over the suit land. The plaintiff has demarcated the suit properties vide demarcation case No. 52/2005 through the Tahsil Amin. While the plaintiff along with the family members were possessing the suit property peacefully, the defendants about 9 years back first tried to create a disturbances over the suit property and also tried to encroach upon the same forcibly, for which the plaintiff was compelled to take shelter before this court. The plaintiff has all sorts of right, title, interest and possession over the suit land and is also paying rent over the same. P.W. 2, who is the plaintiff has corroborated her entire plaint. Coming into the documents filed by the plaintiff it is seen that Ext. 1 is the registered sale deed No. 201 whereby the plaintiff got the title over the suit land. Ext. 2 & 3 are the ROR of the suit land, which shows that the suit land is recorded in the name of Basant Kumar Bhuina and Suryamani Bhuina, i.e. the vendor of Ext. 1. Ext. 4

is the rent receipt, which shows that the rent has been paid by the plaintiff is the above documents clearly shows that the plaintiff has received the title of the suit land through Ext. 1 and is also in possession over the same. There being no objection made by the defendant, it can be clearly stated that the plaintiff has perfected her title and thereby is entitled to the possession. Hence order.

ORDER.

The suit be and the same is decreed on ex-parte against the defendants, but without cost. The defendants are permanently enjoined and restrained from entering into the suit property and from creating any disturbances over the mischief in the peaceful possession of the plaintiff over the suit land.

Advocate's fee at uncontested scale.

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

Transcribed to my dictation, corrected and signed by me and pronounced in the open court this the 30th day of September, 2014.

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

List of witnesses examined on behalf of Plaintiff :-

P.W.1	Lokanath Nag.
P.W. 2	Bidulata Nag.

List of witnesses examined on behalf of Defendants :-

None

List of documents proved on behalf of the Plaintiff :-

Ext.1	RSD No. 261.
Ext. 1/1 & ½	Signature of P.W. 2 on Ext. 1.
Ext. 2	ROR of khata No. 230 of mouza Dingar.
Ext. 3	Original ROR of khata No. 230 of mouza Dingar.
Ext. 4	Rent receipt.

List of documents proved on behalf of the Defendant :-

None

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