

IN THE COURT OF THE SENIOR CIVIL JUDGE BANPUR.

PRESENT:-

Sri Satya Ranjan Pradhan,
Senior Civil Judge, Banpur.

C.S. No 54/100 of 2014/2008

Ashalata Sahu, aged about 50 years, W/o Late Prasanna Kumar Sahu,
At. I.B.Road, Balugaon, Po/ P.S: Balugaon, Dist: Khurda. ... Plaintiff.

-Versus-

1. Bijay Kumar Sahu, aged about 65 years,
S/o Late Brajabasi Sahu, At. I.B.Road, Balugaon,
Po/ P.S: Balugaon, Dist: Khurda.
 2. Surama Prusty, aged about 62 years,
W/o Late Lokanatha Prusty of Gopinathpur Chhaka,
Po/P.S: Balugaon, Dist: Khurda.
- Defendants

Counsel for Plaintiffs ... Sri A.K.Das, Advocate
and associates.

Counsel for defendants ... None.

Date of Exparte Argument – 30.07.2014.

Date of Exparte Judgment – 07.08.2014

EXPARTE JUDGMENT

This is a suit for declaration and permanent injunction.

2. The case of the plaintiff as per the plaint is that:

The suit property measuring an area of Ac.1.288 decimals pertaining to Khata No.132/6 situated in Mouza Padanpur was previously owned by one indumati Sahu. The said Indumati Sahu sold the suit property to the plaintiff and her husband through a registered sale deed bearing No.422 dated 4.3.92 for a consideration of

Rs.10,000/- and gave delivery of possession . Since that date the plaintiff and her husband remained in exclusive possession over the suit property and were paying rent to the State. Subsequently the plaintiff and her husband mutated their name in the Revenue record and obtained the ROR. In the year 1994 the husband of the plaintiff died. After his death the plaintiff became the sole owner of the suit property. The plaintiff by engaging hired labourers used to raise paddy and rabi crops in the said suit property. The defendant Nos 1 and 2 are the elder brother and younger sister of the deceased husband of the plaintiff who have no right , title and interest over it. However with mischievous intention they are trying to grab the suit property. On 16.05.2008 the said defendants came over the suit land and tried to stop the ploughing operation taken by the plaintiff. After receiving information about it the plaintiff went to the suit property and with intervention of local gentries the matter was subsided. However the defendants had threatened the plaintiff to dispose off her from the suit property. Citing the aforesaid facts the plaintiff had filed the present suit for declaration of her right, title and interest over the suit property along with an order for permanent injunction against the defendants.

3. Being summoned only defendant no.1 had appeared but

did not file the W.S.. On 02.01.2009 no step was taken on his behalf, so he was set exparte. Similarly the defendant no.2 did not appear after receiving the summons so she was also set exparte vide order dated 20.01.2009.

4. No issue was framed as the defendants did not appear in the suit.

Although no issues were framed in this case, the plaintiff has to prove that she is the owner in possession of the suit property and has got her right, title, interest over it (ii) secondly whether the defendants are the strangers to the suit property and should be permanently enjoined from entering into it.

5. Only two witnesses were examined on behalf of the plaintiff. The plaintiff examined herself as P.W.1 and one other Rankanatha as P.W.2. Some documents are marked on her behalf as Ext.1 to 4.

6. To substantiate the aforesaid fact the plaintiff has examined herself as P.W.1 and one Rankanath Sahu as P.W.2. while being examined as P.W.1 the plaintiff deposed that one Indumati Sahu wife of Brajabasi Sahu was the recorded tenant of the suit property which situates in Mouza Padanpur under Khata No.32/06. The Hal consolidation ROR also stood recorded in her name. For her legal necessity the said Indumati Sahu sold the suit property to the plaintiff

and her husband through a registered sale deed bearing No.422 dated 4.3.92 for a sum of Rs.10,000/- and also gave delivery of possession. Thereafter both the plaintiff and her husband remained in possession of the suit property and mutated it in their name in the record of rights. In the year 1994 the husband of the plaintiff died. Thereafter plaintiff became the sole owner of the property. She used to raise paddy and rabi crops over it by engaging hired labourers. The defendants 1 and 2 are the elder brother and younger sister of her deceased husband and have no right, title interest over the suit property. However they are creating nuisance over it. On 16.05.2008 they came over the suit property and tried to stop the ploughing which was carried on by the plaintiff through her labourers. To substantiate her claim over the suit property the plaintiff had produced the Registered sale deed bearing No. 422 executed on 4.3.1992 by said Indumati Dei in her as well as her husband's favour, the consolidation ROR published in the year 1991 which stood recorded in the name of Indumati Sahu, the ROR prepared after the mutation pertaining to the suit land wherein the name of the plaintiff and her husband is there as owners of the suit property and one rent receipt, which were marked as Ext1 to 4. On perusal of the said documents it is quite clear

that the said property was recorded earlier in the name of Indumati Dei who subsequently sold the same to the plaintiff and her husband vide sale deed marked as Ext.1. From Ext-3 the certified copy of the mutation ROR it reveals that presently the suit land stands recorded in the name of the plaintiff and her deceased husband. The aforesaid documents as well as the statement of the plaintiff remained unchallenged as both the defendants did not appear and cross examine the plaintiff. so it is accepted as it is. In addition to that plaintiff had examined one Rankanath Sahoo as P.W.2. According to him he has seen the plaintiff raising paddy and rabi crops over the suit property and also aware of the fact that the suit property stands recorded in the name of the plaintiff. So from the above unchallenged statements of P.Ws 1 and 2 along with the documents marked as Exts. 1,2 and 3 it is clear that the plaintiff is the owner in possession of the suit property and has got her right, title and interest over it. At the same time the defendants have got no right, title or interest over it . Accordingly, the prayer made by the plaintiff is allowed. Hence it is ordered.

Order

The suit be and the same is decreed exparte against the

defendants but without cost.

The right, title and interest over the suit property of the plaintiff is hereby confirmed. The defendants are hereby permanently restrained from creating any sort of disturbance in the peaceful possession of the plaintiff over the suit property.

Advocate's fee is at the exparte scale.

Sr. Civil Judge, Banpur.

Transcribed to my dictation, corrected and signed by me and pronounced in the open court this the 7th day of August,2014.

Sr. Civil Judge, Banpur.

List of witnesses examined on behalf of Plaintiffs :-

P.W.1 Ashalata Sahu

P.W.2 Rankanath Sahoo

List of documents proved on behalf of the Plaintiffs :-

Ext.1 R.S.D. No.422 dt. 4.3.1992.

Ext. 1/a Signature of P.W.1 on Ext.1.

Ext.2 Consolidation ROR of Khata No.15 of Mouza Padanpur.

Ext.3 Certified copy of mutation ROR of Khata No.132/6 of Mouza Padanpur.

Ext.4 Rent receipt.

Sr. Civil Judge, Banpur.