

HIGH COURT FORM NO.(J) 2.

HEADING OF JUDGMENT IN ORIGINAL SUIT / CASE

DISTRICT: SONITPUR

IN THE COURT THE OF MUNSIFF NO.2, SONITPUR, TEZPUR

Present: **Smti Priyanka Saikia, AJS,**
Munsiff No.2.

This the 20th day of , June 2022

Title Suit No. 29/2022

Sri Madan Mohan Singh

S/o- Late Chandrika Singh

C/o- M/s Singh Steel Works, Mission Charali

P.O. and P.S.- Tezpur,

District- Sonitpur, Assam

-----Plaintiff

-Versus-

1. Smti Priyanka Singh

W/o- Sri Vikash Mohan Singh

2. Sri Vikash Mohan Singh

S/o- Sri Madan Mohan Singh

3. Sri Shivansh Singh

S/o- Sri Vikash Mohan Singh

4. Miss Samridhi Singh

D/o- Sri Vikash Mohan Singh

CASE NO: T.S. 29/2022

(Defendant nos. 3 and 4 to be represented by the defendants being their natural guardian since they both are minors)

All are of address

C/o- M/s Singh Steel Works, Mission Charali
P.O. and P.S.- Tezpur,
District- Sonitpur, Assam

-----Defendants

This is a suit came up for final hearing on 06-06-2022 in presence of following Advocates:

Counsel for Plaintiff : Sri S.K. Singh

Counsel for Defendants : Sri Abhijit Medhi

And having stood for consideration to this day, the Court delivered the following Judgment:-

ADMISSION JUDGMENT

- 1.** This is a suit for declaration of right, title and interest on the schedule land and house, consequential relief and eviction.
- 2.** The plaintiff's case, in brief, is that Late the defendant No.1 is the daughter in law of the plaintiff and wife of th defendant No.2 is the son of plaintiff. The defendant No's 3 & 4 are grandson and granddaughter respectively.

3. Plaintiff along with his brother, late Ganga Singh, jointly owned a plot of land measuring 4 Katha 2 Lessas covered under Dag No.419 of periodic Patta No. 287 situated at Gotonga Kahdol Mouza Halswar, P.O. & P.S. Tezpur, Sonitpur District. The plaintiff and his brother jointly constructed a RCC building thereon. The plaintiff resides in the ground floor and on the upper floor the children of his deceased brother live with their respective families.

4. The defendant No.2 married with defendant No.1 and has been residing at the residence of plaintiff in the ground floor on the RCC building.

5. Defendant No. 1 is an eccentric lady using abusive languages to her husband and to her mother-in-law, who is now in bed ridden. Whenever, plaintiff tries to pacify her, she starts humiliating him too. Defendant No.1 wants the plaintiff should go and live in an old age home. Defendant No.1 thinks plaintiff and his wife as a burden in the house.

6. Plaintiff is associated with many social organization and people respect him for his wisdom and noble works towards the society. But he gets no respect in his own house because of the defendant No.1, defendant No.2 is guilty of remaining silent. Every alternate day she creates an acrimonious atmosphere in the house.

7. In the mean time plaintiff became critically ill. Defendant No.1 refused to take care of her ill aged mother-in law. Every day it has become common practice of the defendant No.1 & 2 fighting each other and on 21.08.2021, there was a quarrel and the plaintiff

was not a good health as such he asked both the defendants to get out of the house. Thereafter, defendant No.1 lodged an FIR vide Tezpur P.S Case No.1765/2021 under Sec.498(A), 109 IPC against plaintiff, defendant No.2 and the maid alleging false allegation. Police has visited their house and made enquiries and asked all of them to visit police station. This incident has ruined the reputation of the plaintiff. Defendant No.1 threatened plaintiff and his wife to entangle them in a false case.

8. Plaintiff asked both the defendants to arrange alternate accommodation for themselves. At this the defendant No.1 became ferocious and from her gesture she indicated that she could go to any extent to hurt the plaintiff. Therefore, plaintiff lodged an Ejahar before Kacharigaon Police Outpost , which was registered as a Kacharigaon OP Non zFIR Case No.21/21 under Sec.107 Cr.P.C.

9. Plaintiff approached the Supdt. Of police on 07.10.2021 with a prayer to expedite the investigation in regard to Tezpur PS case No.1765/21.

10. Defendant No.1 does not help in any sort of household chores, defendant No.1 tried to find new way to harass the plaintiff and she keeps poisoning the mind of the children too. The defendant No.1 constantly threatens plaintiff and his wife of committing suicide in order to make their lives hell.

11. The ground floor of the building is the exclusive property of the plaintiff. The defendant No.1 & 2 are permissive possessors on the ground floor of the building and the land. The plaintiff has

withdrawn the permission for their living together with the plaintiff and they were intimated to leave way back on 24.08.2021 and even thereafter. They have no right to live in the house and land of the plaintiff. They need to be evicted with their children. Defendant No. 1 may cause alarm to him. Defendant No.2 has sufficient means to give proper maintenance and care to other defendants. No relief has been sought against any of Proforma defendants. Hence, the suit for declaration that the plaintiffs are the absolute owners of Schedule-A and B land, confirmation of their possession over the said land, for granting permanent injunction restraining the defendants from disturbing peaceful possession of the plaintiffs over their respective plots of land, for issuance of precept to the revenue authorities to correct the record as per decree, and for cost of the suit.

12. The defendant Nos. 2, 3 and 4 jointly filed their written statement and in their WS have admitted the claim of the plaintiffs.

13. The plaintiff also by filing petition No. 1138/22 dated 20.06.2022 under Order XII Rule 6 of the CPC prayed to pronounce judgment on admission and also to pass an admission decree.

14. I have gone through the plaint and Written Statement. From the written statement and also the petition filed by plaintiff, as mentioned above, the fact remains that the claim of the plaintiff have been admitted by the defendants without agitating the same. Therefore, plaintiff is entitled to a decree as follows:-

- (i) plaintiff is entitled to get a decree of right, title and interest over the suit property and house thereon;

- (ii) Plaintiff also entitled to a decree of permanent injunction for evicting the defendants along with belonging from the suit property more particularly from the ground floor of the 4 storied RCC building over the schedule land.
- (iii) The defendant, after eviction, is restrained permanently and prohibitory to re-entering the suit property.

Let the decree be drawn up accordingly.

Given under my hand and seal of this court on this 20th day of June, 2022.

(Smt. Priyanka Saikia, AJS)

Munsiff No. 2

Sonitpur, Tezpur