

**In the Court of the Addl. Deputy Commissioner,
West Singhbhum, at Chaibasa.**

Kolhan Title Suit No. 18 of 2015-16.

Siram Soy & Others -----

Plaintiff.

-Vra -

Madho Soy & others. -----

Defendants.

JUDGEMENT

This suit is taken up for ex parte decision under Rule 10 of the Wilkinson's Rule. On perusal of the order dated 31.8.2018 it appears that the main defendant No. 1 Madho Soy and defendant No. 2 Dibar Soy has stopped taking any steps in the present suit. It is also apparent from the record that the statutory defendant the State and Proforma Defendants Markande Soy, Rajmahal Soy and Jema Kui never appeared in this suit or taken any steps. The absence of defendant Nos. 1 and 2 clearly shows that both of them are negligent and at the same time have no interest in the suit to defend.

The case of the Plaintiff from the plaint the documents filed and the evidence given in this suit, the plaintiff has prayed for declaration of his right, title, interest and possession over suit property situated at village Parsi, P. S. Manjhari, District West Singhbhum under Thana No. 248, Khata No. 266, Plots No. 1169, 1289, 1290, 1291, 1293, 1294, 1295, 1303, 1305, 1321, 1762 and 1763 total area 6.73 Acres. Further prayer of the plaintiff is that entry of the name of Jena Ho, Sadho Ho both sons of Madho Ho in the Khatian has been made wrongly. The above mentioned land is exclusive property of the Plaintiff and Proforma Defendants. The defendants 1 and 2 have no right, title, interest or possession over the suit land.

The defendant No. 1 has filed his written statement on 24.11.2016 whereas defendant No. 2 did not file his written statement.

[Signature]

As being ordered by the court the plaintiff has filed his document i.e. certified copy of Old Khatian of 1913-14 certified copy of new Khatian and rent receipt 2013-15 showing Payment land revenue of the suit property. The defendants 1 and 2 did not file any documents in support of their defence. The copy of the list of document served upon defendant.

The plaintiff examined himself as witness No. 1 in this case in support of his case on 19.2.2022. As the defendants 1 and 2 are not appearing himself or through their lawyer, plaintiff siram Soy was examined and discharged. I have examined the evidence given by the plaintiffs and he has fully supported his case as made out in plaint. As there is no cross-examination by the defendants his evidence given the present suit remain unrebuted and thus can not be rejected.

It is also worth-mentioning that the written statement filed by defendant No. 1 has not been verified and signed. The in view of this fact has the defendant did not turn up in the suit and given evidence in support of his written statement, the same can not be accepted and taken as evidence.

It has been argued on behalf of the plaintiff that the Plaintiff belongs to the branch of common ancestor Ramay Ho S/o Late Siram Ho and in the old settlement the suit property has been recorded in the name of Ramay Ho. In support of the same certified copy of the old settlement has been filed in support of his plea. It further argued that Siram Soy had one son namely Dibar Ho whereas Dibar Ho has two sons namely Selai Ho and Gura Ho and one daughter Tulsi Mail Selai Ho had three sons namely Gunja Soy, Siram Soy (Plaintiff No. 1), Ganesh Soy, Plaintiff No. 2, Gunga Ho died leaving behind Proforma Defendant No. 1. Likewise recorded tenant Gura Ho also died survived by three sons namely Dhona Ho, Rajmahal Ho, Proforma Defendant No. 2 Narayan Ho also died leaving behind his wife Jema Kui Proforma Defendant and two daughters namely Sombari Mal and Lalita Mai andx has been figured as Proforma Defendant. Tulsi Mai died unmarried and her share devolved to the share of plaintiffs and Proforma-Defendants. It has been also argued that

lip

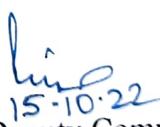
defendants do not belong to the branch of plaintiff and they have separate landed property under Khata No. 45 of Settlement of 1913-14. And in the last survey it has been recorded as Khata No. 101, 102.

It has been also argued that in the last survey settlement the suit property has been wrongly recorded in the name of Jena Ho, Sadho Ho both sons of Madho Soy. The plaintiffs and Proforma-defendant having right, title, interest are in peaceful possession and the defendants have never any act of possession or having any right, title or interest.

In the facts and circumstances discussed above that the suit is decreed that the plaintiffs have right, title, interest and possession over suit land under Thana No. 248, Khata No. 266, Plot No. 1169, 1289, 1290, 1291, 1293, 1294, 1295, 1303, 1305, 1321, 1762 and 1763 total area 6.73 acres situates at village Parsi, P. S. Manjhari, District West Singhbhum. It is further decreed that the entry in column-2 of the Khatian of the last survey settlement in the name of Jena Ho and Sadho Ho both sons of Late Madho Ho is wrong and erroneous. No decree for costs is passed.

Dictated by me


15-10-22
Addl. Deputy Commissioner,
West Singhbhum, at Chaibasa


15-10-22
Addl. Deputy Commissioner,
West Singhbhum, at Chaibasa