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आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्यवाही के बारे में टिप्पणी, तारीख के साथ
1	2	3

-: 1 :-

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI
Misc. Appeal No.- 11 R 15/2017-18

08.04.2022

Punai oraon, S/o Lagan Oraon and son of Late Sani Oraon, by Caste Oraon, resident of village Murkarti Khukhra, P.S. Narkopi (Bero), District Ranchi
..... Objector-Appellant.

Versus

1. Mostt. Sakari Oraon, wife of Late Sani Oraon, by Caste Oraon, resident of village Murkatti Khukhra, P.S. Narkopi (Bero), District- Ranchi

2. Parbati Oraon, wife of Sri Roshan Oraon & D/o Late Sani Oraon
..... Petitioner/Respondent

3. All villagers of Village Murkatti Khukhra, P.S. Narkopi (Bero), District Ranchi

.... Opp.Party/Performa Respondent

ORDER

Present appeal is preferred against the order dated 18.3.2017 passed by the Court of the Rent Suit Deputy Collector, Sadar, Ranchi in Permission case No. 129 R 8 II/2014-15 wherein and whereby the learned court of the Rent Suit Deputy Collector, Sadar, Ranchi has granted permission to the Respondent no.1 to transfer the lands under proceeding to her daughter Respondent no.2 Parbati Oraon wife of Roshan Oraon by making a will.

[Handwritten Signature]
08/04/22

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-: 2 :-

	<p>The facts in brief is that the respondent no.1 had filed Permission Case No. 129 R 8 II/ 2014-15 before the court of Rent Suit Deputy Collector, Sadar, Ranchi under Section 46 of C.N.T. Act for granting permission to make Will with regard to the lands of khata no.2 plot no.4831 area 1.75 acres, khata no.28 plot no.876 area 0.54 acres, khata no.84 plot no.507 area 0.77 acres, plot no. 509 area 0.26 acres, plot no. 511 area 0.19 acres, plot no. 533 area 0.54, plot no. 905 area 0.27, plot no. 937 area 0.12, plot no. 1090 area 0.02, plot no. 1091 area 0.02 acres, plot no. 4837 area 0.51 acres, plot no. 4898 area 0.87 acres, plot no. 4903 area 0.37 acres, plot no. 4906 area 0.18 acres and khata no. 85 plot no. 813 area 0.13, plot no. 800 area 0.14 acres, plot no. 1013 area 0.03 acres, plot no. 1056 area 0.78 acres, plot no. 1112 area 0.03 acres, total area 7.52 acres of land all situated at mauza Khukhra, P.S. No.13, village Murkatti, District Ranchi.</p> <p>The court of Rent Suit Deputy Collector, Sadar, Ranchi after hearing the parties in Permission Case No. 129 R 8 II/ 2014-15 while passing the order dated 18.03.2017 appreciated the inquiry report received from the Circle Officer, Bero vide memo no. 304(ii) dated 25.07.2014 wherein and whereby the Circle Officer, Bero stated that in Khatian of the disputed land the name of Maharaja Pratap Udainath Shahidev and Jerku Oraon is recorded as bakast owner. In register-II, khata no. 19, area 2.76 acres of land Jamabandi is in the name of Sani Oraon son of Bhuglu Oraon and in</p>	
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-: 3 :-

Khata no. 84, area 4.12 acres of land Jamabandi is in the name of Mahabir Oraon son of Shania Oraon. Proposed lands for Will bearing khata no. 28, plot no. 876, area 0.54 acres and khata no. 85, plot no. 813, 800, 1013, 1056, 1112, area 0.13 acres, 0.14 acres, 0.03 acres, 0.78 acres, 0.03 acres respectively, total area 1.65 acres of land, the jamabandi is not recorded either in the name of Sani Oraon or Mahabir Oraon. The Circle Officer, Bero has further recommended that excluding the land of khata no. 28 and 85 total area 1.65 acres, for the remaining lands of khata no. 2 and 84 total area 5.87 acres permission may be accorded to the applicant (the present respondent no.1) for making the Will. Hence the court of Rent Suit Deputy Collector, Sadar, Ranchi has accorded permission to the applicant (the present respondent no.1) for making the Will of lands of khata no. 2 and 84 total area 5.87 acres in favour of Parbati Oraon (the present respondent no.2).

According to the Learned Counsel appearing on behalf of the appellant, the appellant and the Respondent no.1 and 2 are by Caste Oraon and they are governed by their own customary law prevalent in the village in the matter of succession and inheritance. The land of Khata no.2 are the khatiyani lands of the recorded raiyat Sani Oraon and some of the lands of Khata no.84 & 85 are the purchased lands. Sani Oraon has two wives, Mostt. Sakari Oraon the Respondent no-1 is the first wife and Lagan Orain is the second wife. From the first wife Sakari Oraon, Sani Oraon had one son

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	<p>Mahabir Oraon who died unmarried. From the second wife Lagan Oraon, the said Sani Oraon has one son namely Punai oraon (the objector-appellant) and two daughters namely Karmi and Gondari Oraon and as such the objector-appellant-Punai Oraon being the only son and legal heirs of Late Sani Oraon inherited the entire lands of the said Sani Oraon and came into possession of the said lands including the lands in question and the said appellant is still continuing in possession of the entire lands aforementioned as exclusive and absolute owner thereof. Further pleaded that according to Oraon Custom and law and Mundari custom, the female widow and unmarried daughters are only entitled to live in the properties and to maintain themselves from the usufruct of the properties till her life time and they shall have no legal right to transfer any portion of the lands and properties to any person.</p> <p>According to the Learned Counsel appearing on behalf of the respondents the record of right of Khata no. 84 total area 4.12 acres of land recorded in the name of Jerku Oraon. Jerku Oraon had one son Mangal Oraon and Sakari Orain is the daughter of Mangal Oraon. Sakari Orain has one son Mahabir Oraon (died issueless) and two daughters Parbati Oraon and Sohbeit Oraon. Sakari Orain being the daughter of Mangal Oraon is absolute owner of the lands recorded in the name of Jerku Oraon and she has every right to execute the will in favour of her daughter namely Parbati Orain. Further land of khata no.2 area 1.75 acres is the purchased land of Sani Oraon and Sakari Orain is his wife and she is living in a house</p>	
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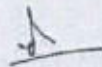
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-: 5 :-

constructed on khata no.2 peacefully along with her daughter Parbati Orain and son-in-law because she is an old lady who is not able to take care of herself. Further after getting permission Sakari Orain executed a registered Will in favour of her daughter Parvati Orain and -unless and until the above Will registered by Sub-Registrar Ranchi u/s 54 of the Transfer Property Act not been canceled U/s 31 of the Specific Relief Act, the Will is being subsist. The respondents are coming in physical and peaceful possession of the said landed property in their own right, title and interest.

Heard both the parties. On perusal of materials available on record I find that, the Circle Officer, Bero vide memo no. 304(ii) dated 25.07.2014 has recommended that excluding the land of khata no. 28 and 85 total area 1.65 acres, for the remaining lands of khata no. 2 and 84 total area 5.87 acres permission may be accorded to the applicant (the present respondent no.1) for making the Will. The record of right of Khata no. 84 total area 4.12 acres of land recorded in the name of Jerku Oraon and Sakari Orain is his grand-daughter. The land of khata no.2 area 1.75 acres is the purchased land of Sani Oraon and Sakari Orain is his wife. Sakari Orain is living in a house constructed on khata no.2 peacefully along with her daughter Parbati Orain and son-in-law from a long period of time and before filing of Permission Case No. 129 R 8 II/ 2014-15 in the court of Rent Suit Deputy Collector, Sadar, Ranchi the objector-appellant never challenged her possession.

Hence for the reason aforementioned the present Appeal is



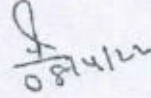
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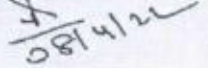
dismissed. The order dated 18.03.2017 passed by the learned court of Rent Suit Deputy Collector, Sadar, Ranchi in Permission Case No. 129 R 8 II/ 2014-15 is hereby affirmed.

Communicate this order to the Rent Suit Deputy Collector, Sadar, Ranchi for information and necessary action.



Deputy Commissioner
Ranchi

Dictated and Corrected by



Deputy Commissioner
Ranchi