

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

**Kolhan Title Suit No.08 of 1991.**

**Suman Lal Tiriya S/o Late Doko Tiriya, resident of village Bhamarpani, P.S.Majhgaon,  
District West Singhbhum. ----- Plaintiff.**

-Versus-

1. Lakhan Tiriya,
2. Ram Tiriya,
3. Masi Tiriya,
4. Selai Tiriya, all sons of Late Mathura Tiriya, resident of village Bhamarpani,  
P.S.Majhgaon, District West Singhbhum. ----- Defendants.
5. Deputy Commissioner, West Singhbhum, Chaibasa. ----- Proforma-Defendant.

**ORDER**

This suit has been taken for final decision exparte under Rule 10 of the Wilkinson's Rule exparte as the defendants absented them from hearing and adducing any evidence in support of their claim. The hearing of the suit was held exparte in absence of defendants. The case of the Plaintiff as appearing from the plaint and witnesses examined on his behalf is that the Plaintiff and Defendants both belong to "HO" Caste and governed by their customary law of inheritance and succession. Under the customary rites amongst "HO" if any "Ho" (male) died issueless in that case the landed property goes to the nearest agnates of deceased issueless male. The widow and unmarried daughter have only right of maintenance from the land till alive as widow or unmarried daughter. On perusal of record it is further case of the plaintiff that the land under Khata No.- 76, 63, 64, 75 and 77 of village had fallen in the share of Doko Ho S/o Chandra Ho. Doko Ho married Mungi Kui. Mungi Kui died issueless. After death of Mungi Kui married Jema Kui. As Doko Ho died before the revisional survey and settlement land of Doko Ho stated above has been recorded in the name of Jema Kui. It is further case of the Plaintiff that from Doko Ho, Jema Kui has three sons namely Suman Lal Tiriya, Budhram Tiriya and Oiban Tiriya. Oiban died during childhood. Budhram Tiriya has four married daughters Sundari Kui, Chandrawati Kui, Masuri Kui and

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Belo Kui and thus under customary rites of Ho they have no right, title or interest in the land under Khata No.- 76, 63, 64, 75 and 77 of village- Bhamarpani. And in view of this fact the Plaintiff is the only surviving hair and successor of Doko Ho and after death of his mother Jema Kui inherited the suit land having right, title and interest and possessing the same on payment of rent of the land. It is also of the case of plaintiff that suit land has been wrongly mutated in the name of defendants in Mutation Case No.- 38/1987-1988 and thereby cause of action of the suit arose. In this suit the Plaintiff has examined Jogendra Guiya as P.W. No.- 4, the village Munda who has supported the case of Plaintiff, witness No.3, Lepo Kui witness No.- 2 Bharat Singh Guiya & witness No.- 1 Samu Guiya has supported the case of the Plaintiff and customary rite of "Ho" in respect of inheritance and succession. They have also proved the possession of Plaintiff over suit land on payment of rent. They also deposed that the Defendants have no right, title, interest or possession over the suit land. As discussed above I came to the finding that the Plaintiff has proved his right, title, interest and possession over suit land whereas defendants measurably failed to prove their right, title, interest and possession over suit land as described in Schedule-B of the plaint.

This is allowed in favour of the Plaintiff and hold that the plaintiff has right title. interest and possession over suit land under Khata No.- 76, 63, 64, 75 and 77 of village Bhamarpani as described in Schedule-B of the plaint. Let the office prepare decree in favour of the Plaintiff.

If parties have any objection, he can file appeal against the appellate authority.

  
Additional Deputy Commissioner,  
West Singhbhum, Chaibasa

  
Additional Deputy Commissioner,  
West Singhbhum, Chaibasa