

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

**Kolhan Title Suit No. 07 of 2014-15**

1. Pradhan Ho,
  2. Dinesh Ho,
  3. Satyanand Ho, all sons of Late Ban Singh Ho, residents of village-Gitilpee, P.O. Singpokharia, P.S. Muffasil, Chaibasa, Dist. West Singhbhum. -----
- Plaintiffs.

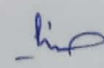
-Versus-

1. Mona Chand Ho,
  2. Birbal Ho, 3. Lalendra Ho,
  4. Bhagwan Ho, all sons of Late Amrit Lal Ho, 5. Krishna Ho,
  6. Satari Ho, both sons of Late Harihar Ho,
  7. Satish Chandra Ho sons of Late Gangaram Ho,  
all residents of village-Gitilpee, P.O. Singpokharia, P.S. Muffasil, Chaibasa,  
Dist. West Singhbhum. ----- Defendants.
  8. Pradhan Ho, 9. Gose Ho,
  10. Satari Ho all sons of Late Barsingh Ho, residents of village- Gitilpee, P.O. Singpokharia, P.S. Muffasil, Chaibasa, Dist. West Singhbhum. -----
- Proforma Defendant.

**ORDER**

Present suit has been filed by the plaintiffs for partition of plaintiffs' share of land recorded under Khata no.- 38 of mouza- Tamarbandh, Thana no.- 125, Thana Kolhan appertaining to 1964 Survey and Settlement Operation, P.S.- Muffasil, Chaibasa, District- West Singhbhum and to carve out their share out of the suit property bearing Plot No.- 598 measuring area of 1.95 Acres. Description of the suit property has been appended in the schedule of the plaint.

Case of the plaintiffs as mentioned in the plaint is that suit property is the ancestral property recorded in the names of Amrit Lal Ho, Harihar Ho, Gangaram Ho, Burhan Ho and Ban Singh Ho with a note of possession in the remarks column of the Khatian in their names. The plaintiffs claim to be exercising possession over the suit property. The plaintiffs further case is that they are descendants of Ban Singh Ho, while defendants no. 1 to 4 are sons of Amrit Lal Ho, defendant no. 5 to 6 are descendents of Harihar Ho and the defendant no. 7 is the descendent of Ganga Ram Ho. Burhan Ho died unmarried and his share of property devolved upon the surviving nearest male agnates. Further that the Proforma defendant no. 8 to 10 have been impleaded since their predecessor-in-interest were recorded tenant of the suit plot, but no interest have been claimed against them. Further that the



back. He admitted that in the front portion of the suit plot defendant Krishna Sawaiyan has constructed (four) shop rooms 10 years ago. Plaintiff Witness 2 has stated in cross examination that apart from suit plot, there are plot no.- 88, 595, 596 and 597 in Tamarbandh.

None of the plaintiffs came forward as a witness in support of their pleading in the Court.

Defendants have examined one witness. Defendant Witness 1 is Mona Chand Sawaiyan who is defendant no.1 in the suit. This witness has supported the case of the defendant no. 1 to 6 as stated in the written statement.

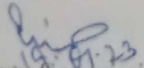
Both the parties have filed copies of the documents relied upon by them but none of the documents have been marked Exhibits.

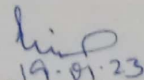
On the basis of the plaint, written statement and statements of the Plaintiff Witness and the Defendant Witness it is crystal clear that apart from the suit plot no.- 598, there are plot no.- 88, 595, 596 and 597 under khata no.- 38 of mouza- Tamarbandh, Plaintiff Witness 1 has admitted that the defendant no. 5 Krishna Ho (Sawaiyan) has constructed 4 shop rooms on front portion of the suit plot about 10 years back. Plaintiff Witness 2 is not from the family of the parties and he admitted that apart from Tamarbandh the parties have landed property at village- Matkamhatu and Gitilpee. Defendant Witness 1 has fully supported case of the contesting defendants and even in his cross examination he could not be discredited by the plaintiff's side.

From perusal of the materials on record, find that the plaintiffs failed to state any cause of action for the present suit, the plaintiffs did not care to enter the witness-box and testified as to the truth of their case and to support their plaint. It is also clear that proforma defendant no. 8, 9 and 10 were dead at the time of filing of the suit. In para- 7 of the plaint the plaintiffs claim to have been dispossessed from suit property i.e. plot no.- 598 and they claim for restoration of possession of the same. It further appears that the plaintiffs are themselves not sure what for they have filed the present suit. Partition and restoration of any property are two different claims and for restoration claim the plaintiffs were required to file advalorem court fee. Further the suit is not maintainable on the ground of partial partition as the entire properties of the parties were not brought into hotchpotch of partition suit. The suit is also defective for non- joinder of necessary parties.

In view of the facts and legal propositions discussed above, this suit is dismissed.

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

  
Additional Deputy Commissioner,  
West Singhbhum, Chaibasa

  
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