

## **In the Court of the Sub Judge-II, Benipur**

*Present:-Pranav Kumar Bharti*

**Title Partition Suit No.-97 of 2012,Registration No.-1792/14**

*Smt. Amola Devi vs. Smt. Janaki Devi & Others*

**Points for Determination(Issues)** :- As per the pleadings and documents of the parties following issues have been (Re-Casted) for just decision of the suit -

- (1) Is the suit as framed and filed maintainable ?
- (2) Has the plaintiff got any right and cause of action to file this suit ?
- (3) Is the suit barred by the principle of estoppel,waiver and acquiescence ?
- (4) Is the suit barred by law of Limitation ?
- (5) Is the suit properly valued and the court fees paid sufficient ?
- (6) Is the suit bad for Non-joinder and Mis-joinder of the necessary parties ?
- (7) Is the plaintiff entitled to Preliminary Decree for partition to the extent of 20 paise in the land in suit.
- (8) Whether the plaintiff is entitled to the relief for per-emption u/s-44 of the Transfer of Property Act and u/s-4 of the Partition Act ?
- (9) Whether the registered sale deed no.-5859,dated-06.07.2011 executed by Mast. Bhukhali Devi in favour of Sri Sanajay Kr. Mishra,the Defendant No.-5 is forged, fabricated,fraudulent,collusive,illegal,invalid,inoperative, without jurisdiction,without consideration,null and void and not binding to the plaintiff ?

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10. Whether the registered sale deed no.-5859,dated-06.07.2011 executed by Mast. Bhukhali Devi in favour of Sri Sanajay Kr. Mishra,the Defendant No.-5 is forged, fabricated,fraudulent,collusive,illegal,invalid,inoperative, without jurisdiction,without consideration,null and void and not binding to the plaintiff ?
11. Whether the registered sale deed no.-2791,dated-27.02.2012 executed by Sanajay Kr. Mishra in favour of Surendra Choudhary,Defendant No.-6 is illegal,invalid, fraudulent,collusive,inoperative, without jurisdiction, without consideration,null and void and not binding to the plaintiff ?
12. Whether the registered sale deed no.-2815,dated-27.02.2012 executed by Sundar Devi in favour of Surendra Choudhary,Defendant No.-6 is illegal,invalid, fraudulent, collusive,inoperative, without jurisdiction, without consideration,null and void and not binding to the plaintiff ?
13. Whether the plaintiff is entitled to get any other relief or reliefs ?
14. Is the plaintiff entitled for the cost of the suit as prayed ?



**Sub Judge-II, Benipur  
Dated-01.04.2022**