



MZAZ04-001088-2024

Form no.(J) 2

Heading of Judgment in original suit

**In the original court of Civil Judge (Senior Division)-3
Aizawl, Mizoram**

Present: Renee Lalremsiami

The 21st day of July, 2026

EVICTIION SUIT No.12 of 2024

Laltinchhawani

W/o C.Lalneihliana (L)

R/o Bethlehem Vengthlang

Aizawl, Mizoram

...Plaintiff

Vs

LaIngaihawma

S/o C.Lalneihliana (L)

R/o Bethlehem Vengthlang

Aizawl, Mizoram

...Defendant

This suit coming on for final hearing on 22.06.2026 in the presence of-

Shri. K.Laldinliana, Advocate & Ors for the plaintiff

Shri. H.Lalmahruaia, LAC for the defendant

And having stood for consideration to this day, the court delivered the following judgment-

JUDGMENT

1. This is a suit for eviction of the defendant from the land and building covered by LSC No.165 of 1981 belonging to the plaintiff.

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)

PLAINTIFF'S PLEA

2. The plaintiff is the wife of late C.Lalneihliana and is a resident of Bethlehem Vengthlang, Aizawl, Mizoram. The defendant is one of the sons of the plaintiff and late C.Lalneihliana. The defendant is also presently residing at Bethlehem Vengthlang, Aizawl, Mizoram. The plaintiff and her husband C.Lalneihliana possessed a plot of land and building covered by LSC No. 165 of 1981 and the same was registered in the name of C.Lalneihliana as he was the head of the family. Thereafter, C.Lalneihliana passed away on 9th May, 2021. On the death of her husband, the plaintiff applied for issuance of heirship certificate in respect of the said LSC which was granted as per law vide heirship certificate No. 1236 of 2021. Subsequently, the LSC was transferred into her name.

3. The house building was located within the said LSC and consists of two floors i.e. ground floor and first floor. The ground floor of the building is divided into two parts. One part of the ground floor alongwith the first floor of the building is being occupied by the family of the plaintiff while the other part of the ground floor is presently occupied by the defendant. In this regard, it may be stated that the family of the plaintiff consist of herself, her youngest son namely Lalchawimawia alongwith his family.

4. After the death of C.Lalneihliana, husband of the plaintiff, the defendant used to harass the plaintiff and her family, causing emotional distress and creating unsafe living environment claiming that the LSC should be inherited by him. As a result, the plaintiff has felt unsafe in her own home and has sought refuge at her daughter's house. The defendant has even used to disrespect his mother/the plaintiff by calling her by her full name and by using abusive languages viz. "Ka vaw hlum vek ang che u" "Ka nu pawh ka ti tawh lo ang che" and "Ka khawng thlu ang che". Despite many attempts to resolve the issue amicably, the defendant paid no heed and instead he continued to make troubles against the family. Additionally, the defendant, who has a history of excessive drinking, has been a source of ongoing problems for the plaintiff and her family. Even during the lifetime of C.Lalneihliana (husband of the plaintiff/father of the defendant), the defendant used to threaten him using many bad words and as a result, the said C.Lalneihliana(L) had told him to leave/vacate his house.

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)

5. Due to the facts and circumstances stated above, it is not possible for the plaintiff to live with the defendant in the same building. In fact, it is not even safe for her life to live with the defendant in the same building/house. As a result, the plaintiff told the defendant to leave/vacate the house or to pay monthly rent. However, the same was refused by the defendant and instead he continues to occupy the house without the permission of the plaintiff till date. In spite of repeated request/information from the plaintiff for defendant to vacate the premises, the defendant has refused to leave the house. The plaintiff, having no other alternative, sought the intervention of the Lok Adalat to resolve the dispute, but no settlement could be arrived at between the parties before the Lok Adalat, and as a result, the Lok Adalat advised the parties/the plaintiff to approach the civil court.
6. In spite of every attempt made by the plaintiff to evict the defendant from her land and building, the defendant continued to occupy the same though he has no right over the said property. In fact, the reason why he continued to occupy the said property is that he thought his late father must have left the said property in his favour. However, nothing was left by his deceased father in his favour. In this regard, mention may be made that if the defendant thought himself to be the rightful heir of the said property, he should have approached civil court to declare his right over the said property. However, no such attempt were made by the defendant and that no action has been made by him for cancellation of the said heirship certificate which was issued in favour of the plaintiff in respect of the said property though the same was already been issued way back on 20.01.2022. In view of the above the defendant has no right to occupy the land and building covered by LSC No. 165 of 1981 beyond the consent of the plaintiff.
7. The plaintiff being declared as the legal and rightful owner of the land and building covered by LSC No.165 of 1981 by the concerned authority, she is entitled to have vacant and peaceful possession of the same to the exclusion of the defendant who has been illegally occupying the same without the consent of the plaintiff. The facts and circumstances as stated above has indicated that the defendant has no intention to leave the plaintiff's house. Hence, having no other alternative remedy, the plaintiff prefers to file the petition. The suit property having been situated at

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)

Bethlehem Vengthlang, Aizawl, this Hon'ble Court has all the jurisdictions over the matter.

8. The cause of action began to rise sometime in the early part of the year 2022 when the defendant refused to vacate the land and building belonging to the plaintiff. The cause of action arose again when the plaintiff submitted a complaint before the Lok Adalat and the cause of action also arose when the parties could not settle the matter before the Lok Adalat and the case was disposed of by the Lok Adalat on 14.09.2024 advising the parties to approach a civil court. The cause of action continues to survive till date as the defendant continues to illegally occupy the same till date.
9. The plaintiff therefore prays the following relief(s):
 - (1) For a decree in favour of the plaintiff and against the defendant.
 - (2) For a decree evicting the defendant from the land of the plaintiff directing him to immediately move out from the land and building covered by LSC No.165 of 1981 belonging to the plaintiff.
 - (3) For a decree directing the defendant to hand-over peaceful possession of the land and building covered by LSC No.165 of 1981 to the plaintiff.
 - (4) For a decree directing the defendant to stay away from the plaintiff's house.
 - (5) For any other relief(s) as the court may deem fit and proper.
 - (6) For cost of the suit.

DEFENDANT'S PLEA

10. The defendant contested the suit by filing written statement wherein he had pleaded that the suit is not maintainable in its present form and style. The plaintiff has no locus standi to file the suit against the defendant. There is no cause of action in favour of the plaintiff and against the defendant. The defendant never harasses her mother or used any abusive language towards her. In fact, he respects her in all manners and the statements are vague constructions by the other siblings, having interest in the plaintiff's landed property. Their statement of excessive drinking is also a false statement, the defendant is an innocent and gentle character. He also currently holds certain responsibility at church and their locality. The defendant states that the statements are false and that they are currently living without any problems. During the lifetime of C Lalneihliana, father of

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)

the defendant they used to live together. C Lalneihliana(L) told him to construct the half of the ground floor which was occupied by the plaintiff, and he was given the other half of the ground floor where he is still living with his family. His younger brother Lalchawimawia who was at the time living a hard life in a rented house C Lalneihliana(L) pity him and wish to call him back. As such he made the defendant to construct the ground floor and verbally gave him.

11. The defendant admits that he was called before the Lok Adalat without any formal information and also that on that day it was not the plaintiff who argued the matter, but the other siblings having interest of the said land, as such there can be no settlement. The defendant states that he did not claim his late father's landed property out of respect of his mother as she is still alive. But the fact he continues to stay is that during the life time of his father, his father told him to construct the half of the ground floor which was occupied by the plaintiff, which he did with all his money and skills, it is pertinent to mentioned here that the defendant is a carpenter by profession. He has no knowledge of the said heirship certificate of the plaintiff prior to this case. He occupied the said ground floor as given to him by his late father. The Court may declare the plaintiff the legal and rightful owner of the said property, the defendant cannot be denied upon the area given by his late father. His staying does not create any turmoil or disrupt the peaceful occupant of the said land. The defendant prays the court to reverse the entire claim made by the plaintiff in favor of the defendant.

COUNTERCLAIM

12. The defendant prays the leave of the court not to mention the entire fact of the case, but to look the matter along with the plaint and written statement for the sake of brevity. The defendant was given the other half of the ground floor by his late father during his life time. As such prays the Court to make an order declaring his right to occupy the said ground floor and to dismiss the eviction suit. The defendant prays the court to make an order in favor of the defendant or dismiss the eviction suit for the ends of justice.

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)

WRITTEN STATEMENT TO THE COUNTERCLAIM

13. The counter claim is not maintainable in its present form and style and as such it is liable to be dismissed. There is no locus standi in favour of the defendant and against the plaintiff and as such the counter claim is liable to be dismissed outright. The counter claim is barred by the principle of estoppel and as such it is liable to be dismissed. The counter claim is bad for non-disclosure of facts and for suppression of truth and as such it is liable to be dismissed. The defendant's claim of being given the other half of the ground floor by his late father during his lifetime is strongly denied. There is no documentary evidence to support the defendant's claim of being given the property by his late father. The defendant's claim is not supported by any credible evidence, and therefore, cannot be relied upon.
14. In this regard, it may further be stated that the plaintiff is the rightful owner of the entire property, including the ground floor, and has been in possession of the plaintiff. The defendant's occupation of the ground floor is unauthorized and illegal, and he has no right, title, or interest in the said property. In fact, the defendant continued to occupy the said land based on his allegation that his late father have left the said property in his favour, however, nothing was left by his late father in his favour and that there is no reliable evidence to prove the said allegation. In this regard, mention may be made that if the defendant thought himself to be the rightful heir of the said property; he should have approached civil court to declare his right over the said property. On the other hand, no such attempt was made by the defendant and that no action has been made by him for cancellation of the said heirship certificate which was issued in favour of the plaintiff in respect of the said property though the same was already been issued way back on 20.01.2022. In view of the above the defendant has no right to occupy the land and building covered by LSC No.165 of 1981 beyond the consent of the plaintiff.
15. In the light of the above, it is clear that the defendant's claim of right over the land is baseless and lacks legal merit. The counter claim for a declaration of his right to occupy the ground floor is misconceived and liable to be rejected. The eviction suit is maintainable, and the plaintiff is entitled to seek eviction of the defendant from the ground floor.

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)

ISSUES

16. For the determination of the case the following issues were framed on 13.05.2025:-
- 1) Whether the plaintiff is the rightful owner of a plot of land and building covered by LSC No.165 of 1981?
 - 2) Whether the defendant's father namely C.Lalneihliana (L) had given half portion of the ground floor of the building within LSC No.165 of 1981 to the defendant?
 - 3) Whether the plaintiff is entitled to the reliefs claimed?
 - 4) Whether the counterclaimant is entitled to the reliefs claimed?
17. The plaintiff's side had examined three witnesses and exhibited six documents. The defendant's side had examined two witnesses. Ld.Counsels also submitted their respective written arguments.

DISCUSSION, DECISION AND REASONS THEREOF:-

18. **ISSUE No.1 Whether the plaintiff is the rightful owner of a plot of land and building covered by LSC No.165 of 1981?**

The plaintiff had pleaded that her husband C.Lalneihliana possessed a plot of land and building covered by LSC No. 165 of 1981 and the same was registered in the name of C.Lalneihliana as he was the head of the family. Thereafter, C.Lalneihliana passed away on 9th May, 2021. On the death of her husband, the plaintiff applied for issuance of heirship certificate in respect of the said LSC which was granted as per law vide heirship certificate No. 1236 of 2021. Subsequently, the LSC was transferred into her name. The defendant had admitted the statement of the plaintiff in his written statement. Hence, admitted facts need not be proved and it is decided that the plaintiff is the rightful owner of a plot of land and building covered by LSC No.165 of 1981.

19. **ISSUE No.2 Whether the defendant's father namely C.Lalneihliana (L) had given half portion of the ground floor of the building within LSC No.165 of 1981 to the defendant?**

The defendant had deposed that they re-constructed half of his father's house with one-storeyed RCC building and the other half which is an Assam-type building (Sethlam) was left for him and his family. He further deposed that his father had given him and told him that the part of the house was for him to

stay and live with his family. In his cross-examination, he however had deposed that there is no documents to show that his father had given him half of the Assam-type building i.e Sethlam and that he cannot say the exact date as to when his father had given him the said property. He also deposed that there is no written record to substantiate his contention. In fact, he had admitted that the properties within the LSC No.165 of 1981 legally belonged to his mother and that he has no legal right of title within the said LSC. DW-2 also deposed in his cross-examination that the legal and rightful owner of the suit land is the plaintiff.

The defendant has sought to justify his occupation of the suit property on the plea that his late father had allotted to him one-half of the ancestral house, namely the Assam-type building (Sethlam), while the remaining portion had been reconstructed into a one-storeyed RCC building. According to the defendant, his father had orally informed him that the said portion was meant for him and his family to reside in. However, upon careful scrutiny of the evidence, this plea does not inspire confidence. During cross-examination, the defendant candidly admitted that there exists no document whatsoever evidencing such an allotment or gift by his father. He further admitted that he is unable to state the exact date or time when the alleged oral allotment was made. The absence of any documentary evidence or other cogent material to corroborate the alleged oral arrangement considerably weakens the defendant's version. The defendant also admitted that there is no written record substantiating his claim.

More significantly, the defendant admitted that the properties covered by LSC No. 165 of 1981 legally belonged to the plaintiff, his mother, and that he himself has no legal right or title over the said land. This admission goes to the root of the matter and substantially undermines his defence. While an oral permission or family arrangement may, in an appropriate case, explain possession, it cannot by itself confer any legal right, title or interest in immovable property, particularly when the person asserting such a claim admits the absence of any legal title.

The testimony of DW-2 further fortifies the plaintiff's case. In his cross-examination, DW-2 categorically admitted that the plaintiff is the legal and rightful owner of the suit land. This independent admission lends corroboration to the plaintiff's title and is wholly inconsistent with the defendant's assertion of any proprietary right over the suit property. Thus, the evidence led by the

defendant falls far short of establishing any legally enforceable right in his favour. His claim rests solely upon an unsubstantiated assertion of an oral allotment by his late father, unsupported by documentary evidence or reliable corroboration, and stands contradicted by his own admissions acknowledging the plaintiff's ownership and his lack of legal title. Consequently, the defendant has failed to discharge the burden of proving the defence set up by him, whereas the plaintiff's ownership over the suit property stands reinforced by the admissions elicited during the cross-examination of both DW-1 and DW-2. As a result, the issue No.2 is decided in the negative and against the defendant.

20. ISSUE No.3 Whether the plaintiff is entitled to the reliefs claimed?

As decided in issue No.1, the plaintiff is the rightful owner of a plot of land and building covered by LSC No.165 of 1981. It was also decided in issue No.2 that the defendant could not prove his contention that half portion of the ground floor of the building within LSC No.165 of 1981 was given to him by his father. Therefore, it is decided that the plaintiff is entitled to the reliefs claimed and thus the issue No.3 is answered in the affirmative and in favor of the plaintiff.

21. ISSUE No.4 Whether the counterclaimant is entitled to the reliefs claimed?

The counterclaimant has failed to establish his case with any cogent oral or documentary evidence, hence he is not entitled to the reliefs claimed. As such, the issue No.4 is decided in the negative and against the counterclaimant.

ORDER

In the result, the suit of the plaintiff is decreed and the counterclaim is dismissed.

The defendant shall be evicted from the land of the plaintiff and immediately move out from the land and building covered by LSC No.165 of 1981 belonging to the plaintiff. The defendant is also ordered to hand-over peaceful possession of the land and building covered by LSC No.165 of 1981 to the plaintiff and to stay away from the plaintiff's house. The defendant shall comply this order within three months from the date of this order.

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)-3

The plaintiff shall be entitled to recover costs of the suit from the defendant.

Case is disposed of on contest.

Given under my hand and seal of this Court on this 21st July, 2026.

(RENEE LALREMSIAMI)

Civil Judge (Sr.Div)-3
Aizawl District, Aizawl

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)-3

APPENDIX

PLAINTIFF'S WITNESSES:

PW-1: Laltinchhawni W/o C.Lalneihliana (L) R/o Bethlehem Vengthlang, Aizawl

PW-2: Lalchhanhimi D/o C.Lalchawimawia R/o Bethlehem Vengthlang, Aizawl

PW-3: C.Lalrinchhani D/o C.Lalneihliana (L) R/o Bethlehem Vengthlang, Aizawl

PLAINTIFF'S EXHIBITS:

Ext P-1: Voter ID of the plaintiff

Ext P-2: Death certificate of C.Lalneihliana

Ext P-3: Heirship Certificate No.1236 of 2021

Ext P-4: LSC No.165 of 1981

Ext P-5: Complaint submitted to MSLSA, Mizoram

Ext P-6: Order dated 14.09.2024 passed in Lok Adalat (Pre) Case no.529 of 2024

DEFENDANT'S WITNESSES:

DW-1: C.Lalngaihawma S/o C.Lalneihliana (L) R/o Bethlehem Vengthlang, Aizawl

DW-2: C.Lalbiaksanga S/o Chalsavunga (L) R/o Bethlehem Vengthlang, Aizawl

DEFENDANT'S EXHIBITS:

N/A

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)-3

**IN THE COURT OF CIVIL JUDGE (SENIOR DIVISION)-3
AIZAWL DISTRICT: AIZAWL**

EVICTION SUIT No. 12/2024

Laltinchhawni
W/o C.Lalneihliana (L)
R/o Bethlehem Vengthlang
Aizawl, Mizoram

...Plaintiff

Vs

Lalngaihawma
S/o C.Lalneihliana (L)
R/o Bethlehem Vengthlang
Aizawl, Mizoram

...Defendant

DECREE

Dated the 21st July, 2026

This Eviction Suit No.12/2024 coming on for final disposal before this Court on this the 21st day of July, 2026 in the presence of Shri. K.Laldinliana, Advocate & Ors for the plaintiff and Shri. H.Lalmahruaia, LAC for the defendant.

It is ordered and decreed as follows:

1. That the original suit bearing Eviction Suit No.12/2024 filed by the plaintiff against the defendant is hereby decreed.
2. That the counter claim is hereby dismissed.
3. That the suit is decreed and the counter claim is dismissed on merits.
4. That the defendant shall be evicted from the land of the plaintiff and immediately move out from the land and building covered by LSC No.165 of 1981 belonging to the plaintiff.
5. That the defendant shall hand-over peaceful possession of the land and building covered by LSC No.165 of 1981 to the plaintiff and stay away from the plaintiff's house.
6. That the defendant shall comply this decree within three months from the date of this decree.
7. That the plaintiff shall be entitled to recover costs of the suit from the defendant.

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)-3

COSTS OF SUIT

Sl. No	Plaintiff	Rs	P	Sl. No	Defendants No.1	Rs	P
1.	Stamp for Plaint	5000	00	1.	Stamp for Plaint	NIL	NIL
2.	Pleader's Fee	5000	00	2.	Pleader's Fee	NIL	NIL
3.	Total	10000	00	3.	Total	NIL	NIL

Given under my hand and seal of the Court on this 21st July, 2026.

Seal of the Court

Judge

Typed by me

Renee Lalremsiami, Civil Judge (Senior Division)-3