

**IN THE COURT OF THE CIVIL JUDGE
(SENIOR DIVISION), ODAGAON,
DISTRICT – NAYAGARH**

**Present: Sri Rajendra Kumar Das, LL.M.,
Civil Judge (Senior Division), Odagaon,
District – Nayagarh
Code – OD-0552**

Civil Suit No. 106/2026

Dated this the 14th day of July' 2026

Laxmidhar Jani, Aged about 69 years,
S/o- Late Udiya Jani,
Village - Gochha, PO- Kajalaipalli,
PS- Sarankul, Dist- Nayagarh.

.....Plaintiff.

-VERSUS-

Biranchi Jani @ Padhan, Aged about 56 years,
S/o- Late Punia Jani,
Village - Gochha, PO- Kajalaipalli,
PS- Sarankul, Dist- Nayagarh.

.....Defendant.

Ld. Counsel for the Plaintiff: Sri Golak Bihari Behera,
Advocate, Odagaon.

Ld. Counsel for the Defendant: Sri K.C Sahoo,
Advocate, Odagaon.

Date of Argument: 04.07.2026

Date of Judgment: 14.07.2026

J U D G M E N T

1. The present suit has been filed by the above named Plaintiff against the Defendant with the following prayers:

a. To pass a decree declaring the right, title, interest and confirmation of possession of the Plaintiff over the suit schedule property;

b. Cost of the suit; and

c. Pass any other order and relief(s), as the Court may deems fit and proper.

SCHEDULE OF THE PROPERTY:-

Landed property situated under Mouza Gochha, Tahasil Odagaon, P.S Sarankul.

Mouza	Khata no.	Plot no.	Area
Gochha	17	429	Ac.1.17 dec.
		444	Ac.1.27 dec.
TOTAL			Ac.2.44 dec.

2. **The Plaintiff's case in brief is that:**

The suit property is the self acquired property of Punia Jani & Udiya Jani. Balakrushna Jani has died leaving behind his two sons namely Udiya Jani and Punia Jani. The said Punia Jani has died leaving behind his son Biranchi

Jani as Defendant. Subsequently, Udiya Jani has left behind his son i.e. the Plaintiff, who are impleaded as parties to the suit. The Plaintiff further pleaded that the suit land has been partitioned by amicable settlement of family arrangement in the presence of their elders and village gentries. The suit land has fallen to the share of Plaintiff and the Defendant has taken another plots from the said ROR towards his share. The Plaintiff has got every sorts of right, title, interest and possession over the suit land, whereas Defendant has no right, title, interest and possession over the same. The Plaintiff has been in possession of the said suit property uninterruptedly since the day of partition. Further, it is pleaded that the cause of action arose on dtd.11.04.2026 when the Plaintiff came to know that the Defendant is creating disturbance and trying to sale the suit land to a stranger person. Accordingly, finding no other way, the Plaintiff has filed this suit for declaration of his right, title, interest and possession over the suit schedule property. Hence, this suit.

3. On the other hand, after receipt of notice, the Defendant has appeared before this Court and contested the suit without filing the written statement on his behalf.

4. In view of the above pleadings, the following points are to be determined for proper adjudication of the matter: -

(i) Whether the suit is maintainable under law ?

(ii) Whether the Plaintiff has sufficient cause of action to file the suit ?

(iii) Whether the Plaintiff is entitled for a declaration of having right, title, interest and possession over the suit scheduled property ?

(iv) Whether the Plaintiff is entitled to get any other relief(s) as prayed for ?

5. In order to prove his case, the Plaintiff namely Laxmidhar Jani has examined himself as P.W.1. Apart from the oral evidence, the Plaintiff has also filed and relied upon the documentary evidence i.e. the certified copy of ROR bearing Khata no.17 under Mouza Gochha marked vide Ext.1.

On the other hand, the Defendant has neither examined any witness nor filed any document in his favour.

6. The argument was heard at length from both the sides.

FINDINGS

7. POINT No. (iii) :-

For clarity, precession and convenience on the part of this Court, the **Point No.(iii)** is taken up first for consideration which runs as follows, “whether the Plaintiff is entitled for a declaration of having right, title, interest and possession over the suit scheduled property.”

Perused the plaint, affidavit evidence, testimony of the Plaintiff as well as the documentary evidence adduced

by both the parties in this suit. P.W.1 being the Plaintiff of this suit has fully corroborated in his affidavit evidence in chief to the facts and averments as made in the Plaint. It is the specific plea of the Plaintiff as well as adduced in his evidence that the suit property is the self acquired property of one Punia Jani & Udiya Jani. The said Punia Jani has died leaving behind the Defendant and Udiya Jani died leaving behind him. The Plaintiff-cum-P.W.1 further pleaded that the suit land has been partitioned by amicable settlement of family arrangement in the presence of their elders and village gentries. The suit land has fallen to his share and the Defendant has taken another plots from the said ROR towards his share. He has got every sorts of right, title, interest and possession over the suit land. He has been in possession of the said suit property uninterruptedly since the day of partition. In this connection, P.W.1 has filed the certified copy of ROR bearing Khata no.17 under Mouza Gochha marked vide Ext.1.

In the same context, it would be proper to have a glance at the evidence deposed by the Plaintiff-cum-P.W.1 during course of his cross-examination, wherein the real picture will unveil. In this connection, P.W.1 in his cross-examination vide para-10 has deposed that he has filed this suit for an extent of Ac.2.44 dec. of land, which comes under Mouza Gochha and he is in possession over the suit land.

After analysis of the oral evidence, adduced by the witnesses, it would be fair enough to have a glance at the documents filed by the parties concerned in support of their contention. In this context, the document marked vide Ext.1 i.e. the certified copy of ROR bearing Khata no.17 of Mouza Gochha reveals that the same stands recorded in the names of Punia Jani and Udiya Jani. After the death of recorded tenants, the property covered under Ext.1 is bestowed upon the parties to the suit, as being their legal heirs and successors.

The said facts has also been admitted by the Defendant as he preferred to file a memo dated 18.05.2026 wherein he submitted his unwillingness to file any WS on his behalf, which needs no further discussion as admission of a fact is the best evidence which needs no further corroboration.

From the above admitted facts, it is cleared that the Defendant has got no manner right, title, interest or possession over suit schedule land. On the other hand, since the Defendant has already admitted to the averments as pleaded in the plaint, in such a scenario, there is no option left on the part of the Court, but to accept the same and the prayer of the Plaintiff is to be considered.

As such, this point is answered accordingly.

8. POINTS NO.(I), (II) & (IV):

For clarity, precession and convenience on the part of this Court, the **Points No.(i), (ii) and (iv)** are jointly taken into consideration.

Since, the **Points No.(i) and (ii)** relates to the maintainability of the suit and the cause of action for filing of the suit, it is pertinent to mention that since the vital point is decided in favour of the Plaintiff, it is found that the suit is maintainable in the present form as well as the Plaintiff has a valid cause of action to file the same.

With regard to **Point No.(iv)** on the basis of the aforementioned paragraphs, considering the facts and circumstances of the case, as it is held that the Plaintiff is entitled to get the relief sought for. So accordingly, no other relief(s) is given to the Plaintiff.

Hence, it is Ordered.

ORDER

The suit be and the same is decreed on contest against the Defendant, but in the circumstances of the case, without any order of cost. The right, title, interest and possession of the Plaintiff in respect of the suit schedule property is hereby declared.

Advocate's fees will be assessed at contested scale.

**Civil Judge (Senior Division),
Odagaon.**

The Judgment is transcribed to my dictation, corrected by me and pronounced in the open Court, on this day i.e. **14th day of July, 2026** under my hand and seal of this Court.

**Civil Judge (Senior Division),
Odagaon.**

**LIST OF WITNESSES EXAMINED FOR THE
PLAINTIFF:**

P.W.1 : Laxmidhar Jani.

**LIST OF WITNESSES EXAMINED FOR THE
DEFENDANT:**

NIL

**LIST OF DOCUMENTS ADMITTED IN EVIDENCE FOR
THE PLAINTIFF:**

Ext.1 : Certified copy of ROR bearing Khata no.17 of
Mouza Gochha.

**LIST OF DOCUMENTS ADMITTED IN EVIDENCE FOR
THE DEFENDANT:**

NIL

**Civil Judge (Senior Division),
Odagaon.**