

Suit Received on : 22/09/2017

Suit Registered on : 22/09/2017

Suit Decided on : 25/03/2026

Duration :
DD YY MM

**IN THE COURT OF HON'BLE PRINCIPAL SENIOR CIVIL
JUDGE AT NAKHATRANA**

REGULAR CIVIL SUIT NO. 30/2017

EX:

PLAINTIFF :

- Somaji Govindji Jadeja**
Aged-45, Occupation-Agriculturist.
Residing at Bihar
Ta.Nakhatrana-Kachchh.

V / S.

DEFENDANTS:

- Mohanba Jashaji Sodha**
Aged-50, Occupation-Agriculturist
- Surubha Jashaji Sodha**
Aged-30, Occupation-Agriculturist

3. **Karubha Jashaji Sodha**
Aged-27, Occupation-Agriculturist
4. **Chandubha Jashaji Sodha**
Aged-25, Occupation-Agriculturist
All are Residing at Bihar
Ta.Nakhatrana-Kachchh.
5. **Madhubha Ragaji Darbar**
Aged-80, Occupation-Retired
Residing at Bihar
Ta.Nakhatrana-Kachchh.

Ld. Ad. Shri V.R.Gadhvi for the Plaintiff.
Ld.Ad.Shri M.R.Harsh for Defendants.

**SUB:- SUIT FOR PERMANENT, MANDATORY
INJUNCTION AND DECLARATION**

JUDGMENT

[1] The plaintiff has filed this suit for permanent, mandatory injunction and declaration.

[2] **Brief facts of the plaintiff's case are as under :**

It is the case of the Plaintiff that the land bearing survey No.563,564/1 and 564/1 situated at Bihar Ta.Nakhatrana, Bhagat Devji Khimji was originally owner of above lands.

Bhagat Devji Khimji was sold lands to Jashaji Hemrajji husband of defendant No.1 and father of defendant No.2 to 4, for a price of Rs.3000/- by registered sale deed No.77. Subsequently plaintiff was purchased lands from Jashaji Hemrajji for Rs.19,200/- on 27/04/1995 through registered sale deed No.466. After that plaintiff became owner and occupier of suit lands. Further, the plaintiff stated that after sale deed revenue entry was mutated in revenue record. Owner and occupier of land survey No.563 is defendant No.5 Madhubha Ragaji Darbar. Jashaji Hemrajji was not owner and occupier of land S.No.563. As per mutation entry No.1832, Jashaji Hemrajji was purchased a land S.No.564/1 and 564/2 by registered sale deed No.77. Jashaji Hemrajji was owner of land S.No. 564/1 and 564/2. In a sale deed land S.No.563 has been sold, is written by mistake. For that plaintiff had filed a appeal before Deputy Collector. Appeal was partly allowed and mutation entry No.1872 declared as a canceled and directed to Jashaji Hemrajji that executed a amendment sale deed. Plaintiff had drawn attention to defendants that to execute a amendment sale deed despite defendants have not executed amendment sale deed. Inheritance revenue entry was being mutated

by defendant No.1 to 4 through order of Collector. Hence, the plaintiff is constrained to file suit and urged for the relief as prayed in suit.

[3] Summons have been duly served on defendants but defendants have not filed Written reply and objections of their defense. Hence, his right for adducing written statement has been Closed.

[4] Following oral and documentary evidences have been adduced on record for the plaintiffs.

(A) **ORAL EVIDENCES** :

PW.NO.	EX.	PARTICULARS
1.	19	Affidavit for examination-in-chief under Order-18, Rule-4 of C.P.C. of plaintiff, Somaji Govindji Jadeja.
2.	37	Affidavit for examination-in-chief under Order-18, Rule-4 of C.P.C. of witness, Narpatsinh Somaji Jadeja.

(B) **DOCUMENTARY EVIDENCES** :

SR. NO.	EX. NO.	PARTICULARS
1	22	Copy of order of collector.
2	23	Copy of Registered Sale Deed No.77, Dt.11/01/1984
3	24	Copy of Registered Sale Deed No.466,Dt.27/04/05
4	25	Kabulatnama.
5	26	Certified copy of Revenue entry No.2853.
6	27	Certified copy of Revenue entry No.2722.
7	28	Certified copy of Revenue entry No.1878.
8	29	Village From No.7 of S.No.564/1.
9	40	Village From No.8.

[5] Defendants have not adduced any evidence in support of their defence. I have heard learned Advocate for the plaintiff and defendants. They have argued as per the facts of the case. I have gone through the oral and documentary evidence produced by the plaintiff.

[6] For the final decision of the present suit, my predecessor has framed the following Issues at Exh.17.

- (1). Whether the plaintiff proves that the suit property revenue survey number 564/1 and 564/2 is of his ownership is in his possession ?
- (2). Whether the plaintiff proves that due to typographical error, the revenue survey number 564/2 was written as 563 ?
- (3). Whether the plaintiff proves that defendant number 1 to 4 are not adhering to the order of revenue authority for rectification in the sale deed?
- (4). Whether the plaintiff is entitled for relief as prayed for ?
- (5). What Order and Decree ?

[7] I determine the above points as under :

- (i) **In the Affirmative.**

- (ii) **In the Affirmative.**
- (iii) **In the Affirmative.**
- (iv) **In the Affirmative.**
- (v) **As per the final order.**

: **REASONS** :

Issue no.1 to 5

[8] As Issues no. 1 to 5 are inter related, they are discussed together for the brevity and convenience.

[8.1] The plaintiff– Somaji Govindji Jadeja, in his examination in chief in form of affidavit vide Ex. 19 under O. 18, R. 4 of C.P.C., has reiterated almost the same facts as narrated in the plaint Ex. 1, hence, the same is not produced here to shun the repetition.

[9] As per the case of the plaintiff, plaintiff is owner and occupier of the suit lands and due to typographical error, the revenue survey number 564/2 was written as 563 in registered sale deed No.77 and 466.

[10] In support of his submission plaintiff have produced copy of registered sale deeds No.77 and 466 vide Ex.23,24, on perusal of this documentary evidence it is transpire that plaintiff was purchased lands from Jashaji Hemrajji for Rs.19,200/- on 27/04/1995 through registered sale deed No.466. It is further case of plaintiff that Owner and occupier of land survey No.563 is defendant No.5 Madhubha Ragaji Darbar. Jashaji Hemrajji was not owner and occupier of land S.No.563. As per

mutation entry No.1832, Jashaji Hemraji was purchased a land S.No.564/1 and 564/2 by registered sale deed No.77. Jashaji Hemraji was owner of land S.No. 564/1 and 564/2. In a sale deed land S. No.563 has been sold, is written by mistake. In support of his submission plaintiff has submitted village form No.8 A of revenue S. No.563, on perusal of these documentary evidence it is transpired that owner of revenue S.No.563 is madhubha Ragaji jadeja. Plaintiff has also submitted order of Deputy collector vide Ex.22. In this order Deputy collector has held that Sodha Jashaji Hemrajji was owner of S.No.546/1 H.02-08-41 and S.No. 564/2, H.01-48-72 but due to typographical mistake in sale deed S.No.563 was written. It is also evident from record that the plaintiff is in possession of Revenue Survey No.564/1 and 564/2 and not in Revenue S.No.563. Thus,as the other side has not adduced any evidence before this court,there is no reason to disbelieve the fact stated by the plaintiff.

[11] Thus, I decide the Issue Nos. 1 to 4 in the Affirmative and I decide the Issue No. 5 as per Final Order.

: ORDER :

- (1) The present suit of plaintiff is hereby allow.
- (2) It is hereby declared that Plaintiff is owner and occupier of suit property Revenue S.No.564/1 and 564/2 situated at Bibar village and It is further ordered that the defendants are hereby

permanently restrained from obstructing or interfering with the plaintiffs' possession of Revenue S.No.564/1 and 564/2 situated at Bihar village.

(3) It is hereby ordered to the defendants No.1 to 4 that to execute amendment sale deed in favour of plaintiff within two month of this order.

(4) Parties to bear their own costs.

(5) Decree be drawn accordingly.

signed and pronounced in the open Court on this 25th day of March, 2026.

Nakhatrana.

Date: 25/03/2026.

(R.A. Zala)
Principal Senior Civil Judge
Nakhatrana-Kachchh
Judge Code No. GJ00938