

WBBK080000372021



Presented on : 11-02-2021
Registered on : 11-02-2021
Decided on : 16-07-2026
Duration : 5 years, 5 months, 5 days

IN THE COURT OF
Civil Judge Jr Div AT Bishnupur, Bankura
Presided Over by Kishor Kumar Chakraborty

Title Suit/29/2021

Plaintiff Name:
Syed Abdul Quaium
Address: Vill- Gopalnagar (Paschim Para), Po- Roll, Ps- Indas, Dist- Bankura

VERSUS

Defendents' Name:
Rupan Sekh and 02 others
Address: Vill- Gopalnagar (Paschim Para), Po- Roll, Ps- Indas, Dist- Bankura

Advocate for Plaintiff Name: Swapan Mukherjee
Advocate for Defendants Name : **Exparte**

Claim :
Declaration and Permanent Injunction along with Consequential relief

Dictated on : 16-07-2026
Transcribed on : 16-07-2026
checked on : 16-07-2026
Signed on : 16-07-2026

Kishor Kumar Chakraborty
Civil Judge (Jr. Divn.) Bishnupur, Bankura
J.O. Code: WB01413

Title Suit 29 of 2021 (CIS 29 of 2021)
CNR: WBBK08-000-037-2021
Syed Abdul Quaium vs Rupan Sekh & 02 others

Order no. 32 dated 16.07.2026

Today has been fixed for hearing of argument on *exparte*.

Plaintiff is present by filing hazira.

Heard argument in full.

Now, the Record is taken up for passing order.

Brief History of the Suit

This is a suit for Declaration, permanent injunction and consequential relief. The instant suit was instituted on 11-02-2021 by the plaintiff namely, Syed Abdul Quaium against the defendants namely Rupan Sekh and 02 others. Thereafter, summons were issued but defendants have not appeared to contest the suit, hence the suit was directed to proceed *exparte* against them vide Order No. 08 dated 19.04.2022.

Thereafter, plaintiff adduced his evidence (Oral and documentary) and Ld. Advocate for the plaintiff submitted his argument and now the suit is taken up for passing Judgment.

Description of the suit property:

The story of the plaintiffs' case in a nutshell as mentioned in the plaint is that the suit property comprising an area of 0.04 acre is situated in Mouza- Gopalnagar, having J.L. No – 05, recorded in LR khatian no. 313, 1229, 1233 and 1623/1 appertaining to LR plot no. 1692 classified as 'Danga' under P.S. Indas, Dist- Bankura.

Plaintiff's Case:

The plaintiff's case in a nutshell is that the plaintiff along with his elder brother Sir Abdur Rajjaque and Sayed Sabirul Islam (proforma defendant) are the recorded owners and valid title holders of the suit property. It is stated that the plaintiff and the proforma defendant have been possessing the same as per their amicable settlement and the LR records have been recorded in the names of the plaintiff Sayed Abdur Rajjaque, Sayed Rafikuddin and Sayed Sabirul Islam in the LR khatian no. 313, 1229, 1233 and 1623/1 respectively. In the year 2017 plaintiff purchased the share of Sk. Rafikuddin vide registered sale deed no. 3186 for the year 2017 but that share has not been updated in the name of plaintiff till date due to some personal difficulties of the plaintiff.

It is now alleged that the principal defendants have no right, title, interest over the suit property though with an ulterior motive and intention and in collusion and connivance each other are disturbing the peaceful possession of the plaintiff by denying plaintiff's title and in furtherance of the same constructed a temporary kitchen shed surrounded by polythene within the schedule premises. It is further alleged that they are illegally and

Title Suit 29 of 2021 (CIS 29 of 2021)
CNR: WBBK08-000-037-2021
Syed Abdul Quaium vs Rupan Sekh & 02 others

forcefully keeping the motor van, rickshaw van in the said premises. The plaintiff served notice to the principal defendants through its Ld. Advocate on 03.12.2020 so that an amicable settlement can be arrived at but the principal defendants did not pay any heed. Hence, having no other options and under the apprehension of being dispossessed the plaintiff has filed the instant suit praying for relief/reliefs as per their plaint.

As per the plaint, the cause of action arose firstly on 03.12.2020 i.e. the date of sending of legal notice and lastly on 26.01.2021 when the principal defendants in connivance with each other tried to change the nature and character of the suit property by way of raising a *pucca* construction therein.

Witnesses Examined and Documents Exhibited:

The plaintiff adduced himself as PW-1.

<u>Sl. No.</u>	<u>Witness's name</u>	<u>Witness number</u>
1.	Syed Abdul Quaium	P.W. - 1

DOCUMENTS

Plaintiff filed the following documents in support of his claim and bona fide etc. over the suit property. The documents are as follows:

Exhibit 1	Plot information slip in respect of schedule property
Exhibit 2	Original tax receipt of mouza- Gopalnagar, khatian no. 313
Exhibit 3	Original registered sale deed being no. 3186 for the year 2017
Exhibit 4 series	Advocate notice along with postal receipt dated 31.12.2020

Decision With Reasons :

Perused the plaint, oral as well as the documentary evidences adduced on behalf of the plaintiff. Heard the submissions of the Ld. Advocate for the plaintiff.

After perusing the evidences(both oral & Documentary) it appears that the suit property as described in schedule indeed belong to the plaintiff. Exhibits-3 confirms the Title of the plaintiff moreover exhibit- 1 and 2 as well as the Oral evidence of P.W.1 also corroborate the same. The unchallenged testimony of PW- 1 along with Exhibit- 1, 2 and 3 (series) proves that plaintiff is the owner as well as the possessor of the scheduled suit property.

Title Suit 29 of 2021 (CIS 29 of 2021)
CNR: WBBK08-000-037-2021
Syed Abdul Quaium vs Rupan Sekh & 02 others

The plaintiff, while deposing as PW-1 had stated the entire facts vide his affidavit in chief. The said oral evidences of the plaintiff is unchallenged and supported by documentary evidences as such I do not have any reason to disbelieve the same. So there remains no doubt regarding the alleged right of the plaintiff's over the suit property.

After considering above and perusing all the oral and documentary evidences, this court has come to the conclusion that the plaintiff is able to prove their contention and the existence of his alleged right, title and interest over the suit property.

Court fees paid is correct. Hence, it is

O r d e r e d

that the suit be and the same is decreed ex parte in favour of the plaintiff and against the defendants but without any order as to costs.

The right, title, interest of the plaintiff in respect of the schedule suit property as mentioned in the schedule of the plaint are hereby declared.

The Defendants and their men and agents are permanently restrained from disturbing the peaceful possession of the plaintiff over the schedule suit property in any manner what so ever.

The instant suit is thus disposed of.

Note in the relevant registers.

Dictated & Corrected by

Civil Judge (Jr. Division)
Bishnupur, Bankura

Civil Judge (Jr. Division)
Bishnupur, Bankura
J.O. Code: WB01413