

ASGL040000052022



Assam Schedule VII: Form No. 132

HIGH COURT FORM NO. (J) 2

HEADING OF JUDGMENT IN ORIGINAL SUIT/CASE

IN THE COURT OF THE CIVIL JUDGE (JR. DIV.) NO.1,
GOLAGHAT, ASSAM

Present: Smti. J. Begum, L.L.M., A.J.S.
Civil Judge (Jr. Div.) No.1,
Golaghat

On the 27th day of June, 2025

TITLE SUIT NO. 02 OF 2022

Dipankar Roy

S/O: Late Ramesh Ch. Roy and

Late Anupama Roy

R/O: Fulartal Silchar Road, P.O.

Fulartal, P.S. Lakhipur, Dist.- Cachar,
Assam.

.....Plaintiff

-Vs-

1. Kushal Chandra Saikia

S/O: Late Thaneswar Saikia

R/O- Golaghat Town, W/No- 4,

PO/PS- Golaghat

District- Golaghat, Assam

.....Defendants

Substituted defendants for

deceased defendant no 2 and

Proforma Defendants no 3 to 11

Court proceeded ex-parte against them
on 31.08.2019, 27.03.2017, 08.03.2019
respectively.

"Suit for recovery of
immovable property and for
injunction."

And the suit is came up for final hearing 30.05.2025

In presence of Counsels:-For the Plaintiff: Ld. Advocate Tapas Kr.
Bhattacharjya.

For the Defendant: Ld. Advocate Pratul Borbora.

And having stood for consideration on this day, i.e., on 27.06.2025 the
Court delivered the following judgment:

JUDGMENT

The case of the Plaintiff:

1. A plot of land measuring 1 (One) Bigha, 2 (Two) Kathas, 8 (Eight) Lochas covered by dag no. 1216 under periodic

patta no. 8 of Golaghat Town, Mouza: Moukhowa under Golaghat Revenue Circle in the district of Golaghat, Assam more fully described in the schedule- A of the plaint (hereinafter referred to as "the suit property") is the subject matter of the suit.

2. Late Anupama Roy (since deceased) was the mother of the Plaintiff and original pattadar of the entire patta land i.e., periodic patta no. 8 of Golaghat Town, Mouza-Moukhowa under Golaghat Revenue Circle, District-Golaghat. She, during her life time gifted the suit land along with some other plots of land to the plaintiff through a duly registered Gift Deed vide no. 92/77 dated 25.01.2000. In pursuance of the Gift Deed no. 92/77 dated 25.01.2000, the plaintiff came into the possession of the said land on and from 25.01 2000. Plaintiff further stated that he applied for mutation of his name in respect of the suit land vide Mutation Case No. 209/99-2000 along with other plots of land to which he came into possession by virtue of the Gift Deed No. 92/77 dated 25.01.2000. Then he came to know that on 24.05.2000 the suit land had already been mutated in the name of defendant no. 1 vide impugned order dated 06.01.2000 passed in Mutation Case No. 101/99-2000 by the then learned Circle Officer, Golaghat Revenue Circle on the strength of a so-called Registered sale Deed No. 1907/1463 dated 29.11.1996. The said sale deed was purported to be executed by defendant no. 2 in favour of

Defendant No. 1. On his inquiry from his deceased mother during her life time about the said mutation she pleaded ignorance. She did not receive any notice of such mutation. He stated that the said order dated 06.01.2000 passed in Mutation Case No. 101/99-2000 by the then learned Circle Officer, Golaghat Revenue Circle was illegal as it was passed without the possession of the defendant no. 1 and 2 in respect of the suit land. Defendant No. 1 mutated his name illegally in the record of rights as a pattadar no. 24 in place of Late Anupama Roy (since deceased) without following any procedure of law. Being aggrieved by the said order, the mother of the Plaintiff Anupama Roy filed an appeal that was registered as GRA Case No. 4/2000 before the Deputy Commissioner, Golaghat under section 147 read with section 151 of the Assam Land and Revenue Regulation, 1886 for setting aside the impugned order of mutation dated 06.01.2000. Then the Additional Deputy Commissioner (Revenue), Golaghat vide his order dated 01.03.2004 allowed the appeal and made the impugned order dated 06.01.2000 in Mutation Case No. 101/99-2000 inoperative and sent back the relevant Mutation case no. 101/99-2000 to the Circle Officer, Golaghat Revenue Circle with a direction for his needful action. However, till 22.11.2013, the Ld. Circle Officer, Golaghat Revenue Circle, did not comply with the order dated 01.03.2004 of the then Addl. Deputy Commissioner (Revenue) Golaghat for which the Plaintiff

had to file a petition dated 22.11.2013 that was registered as Misc. case no. 6/14-15 before the Circle Officer, Golaghat Revenue Circle to make an order so that the Plaintiff could mutate his name in the record of rights deleting the name of the defendant no. 1 in respect of the suit land. 02.11.2015 was the date fixed to pass the final order of the said case but no order was passed on that day by the Ld. Circle Officer, Golaghat. He further stated that Defendant No. 2 without his name mutated in the record of rights i.e., in the jamabandi of Periodic patta no. 8 of Golaghat Town, Moukhowa Mouza, Golaghat had executed the so-called Registered sale Deed Vide No. 1907/1463 dated. 29.11.1996 in favour of Defendant No. 1. Defendant No. 1 in his defence in Misc. Case No.6/14-15 had shown a so-called registered Sale Deed Vide No. 3365/3083 dated. 21.09.1977 purported to be executed by Late Anupama Roy (since deceased), the mother of the Plaintiff in favour of Defendant No. 2. On the strength of the said Sale Deed, defendant No. 2 executed the registered sale deed no. 1907/1463 dated 29.11.1996 in favour of Defendant no. 1. Plaintiff stated that both the Sale Deeds were forged documents. Besides, the registered sale Deed no. 3365/3083 dated 21.09.1977 though purported to be executed by Late Anupama Roy in favour of defendant no. 2 long back yet defendant no. 2 had not applied before the office of the Circle Officer, Golaghat to get his name mutated in respect of the said

land. In the record of rights it was clearly stated that the name of defendant no. 1 (Pattadar No.24) was mutated over the suit land with Anupama Roy (Pattadar No 1) by virtue of purchase and possession whereas Late Anupama Roy had not executed any Sale Deed in respect of the suit land in favour of the Defendant No. 1 or Defendant No. 2.

3. Accordingly the Plaintiff prayed for:

- a) A decree for right, title, interest and possession over the suit property mentioned in Schedule (A) below.
- b) A decree for declaration that the Sale Deeds mentioned in Schedule (B) below are void ab initio and thereby cancel them.
- c) A decree for cancellation of the mutation of Defendant no. 1 as recorded in the Record of Rights in P.P. no. 8 (Serial no. 24 reflected in the Jamabandi) of Golaghat Town, Moukhowa Mouza in the district of Golaghat, Assam.
- d) A decree for direction to the Circle Officer, Golaghat Revenue Circle, Golaghat to mutate the name of the plaintiff in the Record of Rights in periodic patta no. 8 of Golaghat Town, Moukhowa Mouza in the district of Golaghat, Assam.
- e) A decree for cost of the suit.
- f) A decree for any other relief or reliefs the plaintiff is entitled to under law and equity.

SCHEDULE: A

A plot of land measuring 1 (One) Bigha, 2 (Two) Kathas, 8 (Eight) Lochas covered by dag no. 1216 under periodic patta no. 8 of Golaghat Town, Mouza: Moukhowa under Golaghat Revenue Circle in the district of Golaghat, Assam

The four boundaries are:-

North: Land of Manindra Baroi, Chitraranjan Sarkar & others.

South: Land of Dhiren Voumik, Dhiren Saikia, Ajit Kumar Ghosh.

East: Pattadar's Land

West: Land of Chitraranjan Sarkar

SCHEDULE –B

1. So-called Registered Sale Deed No. 1907/1463 dated 29.11.1996 purported to be executed by Defendant no. 2 in favour of Defendant no. 1.
2. So-called Registered Sale Deed No. 3365/3083 dated. 21.09.1977 purported to be executed by Late Anupama Roy (since deceased) the mother of the Plaintiff in favour of Defendant no. 2.

WRITTEN STATEMENT OF THE DEFENDANTS:

4. The Defendants appeared before the Court on receiving Summons and contested the suit of the Plaintiff by filling Written Statement and denied the entire contentions of the plaint. They stated that the plaint of the present suit

had failed to disclose any specific facts constituting any cause of action for which the suit was liable to be rejected at the threshold. It was further submitted that the plaintiff had no locus standi to file the suit, the suit was barred by limitation and bad for non-joinder of necessary parties as late Anupoma Roy left behind her three daughters as her legal heirs along with the plaintiff who were not made parties in the suit. Further, defendants stated that plaintiff had no right to sue against the defendants as he had no right, title, interest and possession over the suit land. They stated that late Anupoma Roy, widow of late Romesh Ch. Roy, was the original pattadar of the periodic patta no. 8 of Golaghat Town under Moukhowa Mouza. Anupoma Roy (since deceased) during her life time sold a plot of land measuring 1(one) Bigha, 2(Two) kathas and 8(Eight) lechas out of 2(Two) Bighas 2(Two) Kathas 10 (Ten) Lechas, covered by dag no. 1216 under periodic patta no. 8 of Golaghat Town in Moukhowa Mouza to defendant no. 2 Jadu saikia, through a registered Sale deed bearing sale deed No3365/3083 on 21.09.1977. Thereafter, defendant No. 2 took possession of the said land and continued his possession peacefully without any interference. After executing the said registered sale deed in favour of defendant no. 2 in respect of the suit land, Anupoma Roy was not entitled to transfer the same plot of land to the plaintiff by way of executing gift deed. Under these

circumstances the plaintiff was not entitled to claim the suit land on the strength of the so-called gift deed dated 25.01 2000. Defendant no.1 purchased the suit land from defendant no. 2 by way of registered sale deed on 29.11.1996. After acquiring lawful right, title, interest and possession over the suit land, defendant No 1 applied for mutation of the suit land in his name. The Ld. Circle Officer after perusal of the valid registered documents and Lat Mondal's report regarding possession of the suit land, rightly granted the mutation in favour of the defendant no. 1 on 06.01.2000. Anupoma Roy filed an appeal petition against the lawful order of mutation dated 06.01 2000, passed in Mutation Case no. 101/99-2000, only to harass the defendants with ulterior motive. The appeal was disposed of with a direction to the Circle officer of Golaghat for fresh disposal of the Mutation Case no. 101/99-2000. However, the mother of the plaintiff during her lifetime or later on, the plaintiff himself did not take any step for fresh disposal of the said Mutation Case and had been sleeping over their rights for long 9 years. The mother of the plaintiff died on 21.04 2010 and the Ld. A.D.C. passed the said order on 1.03.2004 in connection with GRA case no. 4/2000. In connection with Misc. Case No 6/2014-15, the defendant no. 1 appeared in the Court of the Circle officer and filed his written objection supported by valid registered documents along with other relevant documents connected with the land in

suit. Defendants further stated that a person having lawful right, title, interest and possession can sell a plot of land to any person without mutation of his name in the record of rights. The defendant no. 1 and 2 had been enjoying the suit land peacefully without any interference from any corner. Defendants further stated that the father of the defendant no. 1 Late Thaneswar Saikia and the father of the defendant no. 2 late Dambaru Saikia were brothers and were resident of Abhoipuria Gaon in Morongi Mouza. Father of the defendant no. 1 left his original residential place and came to Golaghat town with his family and permanently residing at Golaghat town leaving the other brother Dambaru Saikia at original place. For this relationship the defendant no. 2 used to stay at the residence of defendant no. 1 while studying in a school at Golaghat. Even after his school career the defendant no.2 usually stayed at the residence of defendant no. 1 at Golaghat town. So during his stay at Golaghat town the defendant no. 2 came to know about the suit land and he wanted to purchase the same and for that he discussed the matter with his father and with the father of defendant No 1 and they consented him to purchase the same. Accordingly, he purchased the suit land by executing registered sale deed on 21.09.1977. He then took possession of the suit land by putting some pucca posts having one rod. But it was low land and in the rainy season of summer, the land was covered by

stagnate water. The said land was within the reach of residential land of the family of defendant no. 1. During the period of 1995-1996, defendant no. 2 was suffering from financial crisis for which he decided to sale the said plot of land measuring 1 Bigha 2 Katha 8 Lechas under P.P. No 8 of Gholaghat town. Accordingly he sold the said land to defendant no. 1 by executing a registered sale deed no. 1907/1463 dated 29.11.1996 and delivered right, title, interest and possession thereof to Kushal Ch. Saikia. That defendant no. 1 soon after made a pucca beam on the western boundary with eight pucca posts thereon between the newly purchased land and the land of Chitraranjan Sarkar. Thereafter, defendant no. 1 applied for mutation in the office of the Circle Officer at Golaghat. The Learned Circle Officer perused both the registered sale deeds dated 21.09.1977 and 29.11.1996 and after perusal of Lat Mondal's report, allowed the mutation in the name of defendant No 1 in place of Anupoma Roy as Anupoma Roy extinguished her right, title, interest and possession over the suit land on 21.09.1977 by executing registered sale deed to defendant no 2. Defendant no. 2 did not take steps to get the land mutated in his name and he sold the suit land to defendant no. 1 by delivering right, title, interest and possession thereof. Defendants further state that the original pattadar Anupoma Roy after selling the entire plot of land under patta No 8 of Golaghat town in

Moukhowa Mouza around in the year 1977/1978, left her residential place at Golaghat and went to Silchar along with her family members. Plaintiff falsely stated that he was a resident of Noga banglow road in Golaghat town. The fact of raising objection by the plaintiff as stated in para 20 is entirely false and concocted. Defendants stated that the suit of the plaintiff was false and vexatious and they claimed Rs.15000/ as compensatory costs under section 35(A) of C.P.C. from the plaintiff. Besides, plaintiff was not entitled to any relief/reliefs or any declaration in his favour.

5. On the basis of the pleadings of the parties, the following issues were framed:

ISSUES:

- I. Whether the suit is barred?
- II. Whether the suit is bad for non-joinder of necessary parties?
- III. Whether the Gift Deed, by virtue of which of the Plaintiff claimed right, title interest over the suit property, is a forged document?
- IV. Whether the Plaintiff is in possession of the suit property?
- V. Whether two sale deeds of the defendants (described in schedule-B to the Plaintiff) are void?
- VI. To what relief, if any, the plaintiff is entitled?

6. Plaintiff side adduced evidence of PW1, PW2, PW3, PW4 as witnesses and exhibited seven number of documents. Defendant side also adduced DW1, DW2, DW3, DW4, DW5 and exhibited fourteen number of documents.
7. Heard the arguments put forwarded by the learned counsels for both the sides. Perused the evidence on record. On the basis of such hearing and materials on record the issues are discussed and justified in the following way:
8. **DISCUSSIONS, DECISION AND REASONS THEREOF:**

Issue No. 1: Whether the suit is barred;

One of the reliefs sought for by the plaintiff in the instant suit is cancellation of the sale deed no. 3365/3083 dated 21.09.1977 and sale deed no. 1907/1463 dated 29.11.1996. The plaintiff in his plaint and evidence stated that he came to know that the suit land was mutated in the name of defendant no.1, Kushal Chandra Saikia on the basis of a registered sale deed no. 1907/1463 dated 29.11.1996 in the year 2000 when he himself applied for mutation of his name in respect of the suit land. As per Article 59 of the Limitation Act, 1963, the limitation period to cancel or set aside an instrument including a sale deed is 3 years and the limitation starts from the time when the plaintiff first becomes aware of the facts

entitling him to seek cancellation of such instrument. In the case at hand plaintiff stated that in the year 2000 he came to know that the suit land was mutated in the name of defendant no.1 on 06.01.2000 in mutation case no. 101/99-2000 on the basis of a registered sale deed no. 1907/1463 dated 29.11.1996. Hence, he should have filed suit for cancellation of the sale deed no. 1907/1463 within 3 years of such knowledge. Although plaintiff took steps for cancellation of the mutation in favour of defendant no. 1 yet such actions does not automatically extend the period of limitation of the plaintiff to file the suit for cancellation of the sale deeds.

Another remedy sought for by plaintiff was for declaration of right, title, interest and possession over the suit land. Here, the title of the plaintiff on the basis of gift deed or inheritance is not confirmed on the date of filing the plaint. Besides, his possession is also not confirmed in respect of the suit land. As such plaintiff cannot seek limitation as per Article 64 or 65 of the Limitation Act, 1963. Thus, if we consider the limitation period in view of Article 58 of the Limitation Act, the plaintiff should have filed the suit within 3 years from the date when the right to sue first accrued. In the case at hand the right to sue first accrued when plaintiff came to know in the year 2000 that the name of defendant no. 1 was mutated in respect of the suit land. That means within 3 years of the year 2000, this suit should have been filed by the plaintiff.

In view of the above it can be said that the suit of the plaintiff is barred by limitation and issue no. 1 is decided against the plaintiff.

Issue no. II: Whether the suit was bad for non-joinder of the necessary parties;

A necessary party is one without whom no effective order can be made. Plaintiff has 3 sisters namely Mohamaya, Jugomaya and Jyotimaya and they are not joined as parties in the suit by the plaintiff. Plaintiff's claim was against the defendants who allegedly on the basis of forged sale deeds mutated their names in respect of the suit land. There was no confusion as to the title of the mother of the plaintiff who was the original pattadar of the suit property who allegedly made the gift deed in favour of the plaintiff. She being the absolute owner of the suit property had the right to gift/sale the same to anyone. His sisters did not claim any specific right of interest in the suit property which is separate from the interest of the plaintiff. As such, the suit is not bad for non-joinder of the necessary parties.

Accordingly, issue no. 1 is decided in favour of the plaintiff.

For the sake of convenience of the court issue no. V is decided before deciding issue no. III and IV.

Issue no. V. Whether two sale deeds of the defendants (described in schedule-B to the Plaintiff) are void?

Plaintiff in his Complaint as well as in evidence on affidavit stated that sale deed no. 3365/3083 dated 21.09.1977 and sale deed no. 1907/1463 dated 29.11.1996 were void documents. In his cross-examination he stated that he was unaware if his mother executed the alleged sale deed no. 3365/3083 dated 21.09.1977 in favour of defendant no 2. He came to know in the month of January, 2000 that the name of defendant no.1 was already mutated in respect of the suit land and he filed revision against that order of mutation after 9 years. His mother did not take any step during her life time after getting the order from the Deputy Commissioner in connection with case no. GRA4/2000. DW-1 exhibited original registered sale deed no. 3365/3083 dated 21/09/1977 as exhibit-C and registered sale deed no. 1907/1463 dated 29/11/1996 as exhibit-D. Section 54 of the Transfer of Property Act defines Sale as a "transfer of ownership in exchange of a price paid or price promised to be paid". Section 17 of the Indian Registration Act, 1908 provides for documents that are compulsorily registrable. It provides that conveyance by way of sale of a property whose value exceeds Rs.100 shall be by way of registered sale deed. As the value of suit land is more than 100/- the sale was effected by way of registered sale deed. Section 68 of the Indian Evidence Act, 1872 deals with proof of execution of documents that are required, by law to be attested. It mandates that such a

document cannot be used as evidence unless at least one attesting witness is called for to prove such execution, provided that the witness is alive, subject to the process of the court and capable of giving evidence. The exception to this rule says that a document which is not 'will' and is registered under the Indian Registration Act, 1908, there is no need to call an attesting witness unless the execution is specifically denied. In the case at hand, the execution of the registered sale deed no. 3365/3083 dated 21/09/1977 (exhibit-C) and registered sale deed no. 1907/1463 dated 29/11/1996 (exhibit-D) are specifically denied by the son of the deceased executant who is the plaintiff in this suit. Hence, it is necessary to prove the same by examining at least one of the attesting witnesses as per the mandate of law. However, as exhibit-C is a document more than 30 years old and produced from proper custody of defendant no.1, who is the cousin of defendant no. 2 and in whose favour exhibit-C was executed, the presumption of genuineness as to its execution and attestation can be duly drawn under section 90 of the Indian Evidence Act, 1872. Its contents can also be treated as proved as exhibit-C is the original sale deed produced before the court for inspection and the rebuttable presumption of genuineness as to its execution and attestation under section 90 of the Indian Evidence Act, 1872 could not be rebutted by the plaintiff by adducing evidence. Regarding exhibit-D, as defendant side has stated that attesting witnesses died and the executant

also died, as per section 69 of the Indian Evidence Act, 1872 the document should have been proved by certifying the hand writing of at least one of the attesting witnesses and the person executing the document. DW-4, Bijoy Karmakar, in his evidence stated that he could recognize the signature of his father who was one of the attesting witnesses of exhibit-D. DW-6, the official witness from the office of the Sub-Registrar, Golaghat brought the fee book in connection with exhibit-D i.e., sale deed no. 1907/1463 dated 29.11.1996. The registration number of the sale deed, value received and the name of executant appeared in the fee book with endorsement of sub-registrar and the relevant entry is exhibited as exhibit-'L'.

Thus, it can be said that two sale deeds of the defendants (described in schedule-B to the Plaintiff) are not void documents and accordingly issue no. 5 is decided against the plaintiff.

Issue no. III: Whether the Gift Deed, by virtue of which of the Plaintiff claimed right, title interest over the suit property, is a forged document?

Forgery is dishonestly or fraudulently making of a false document with the intention of causing wrongful gain to someone or wrongful loss to another. Gift deed no. 92/77 dated 25/1/2000 was purported to be executed by the mother of the plaintiff in the name of the plaintiff in respect of the suit land of which the mother of the plaintiff was the

absolute owner. The defendants alleged that the mother of the plaintiff already sold the said land by executing registered sale deed no. 3365/3083 on 21/09/1977 in favour of defendant no. 2 and hence she had no right to transfer the same land to the plaintiff by executing gift deed. Defendants duly proved the registered sale deed no. 3365/3083 dated 21/09/1977 and registered sale deed no. 1907/1463 dated 29/11/1996. Hence, it is implied that gift deed no. 92/77 dated 25/1/2000 in respect of the same plot of land is a document made fraudulently with the intention to cause wrongful loss to the defendants and wrongful gain to the plaintiff. Hence, it can be said that the Gift Deed, by virtue of which of the Plaintiff claimed right, title, interest over the suit property, is a forged document. Accordingly, issue no. 3 is decided against the plaintiff.

Issue no. IV. Whether the Plaintiff is in possession of the suit property?

Plaintiff in his plaint as well as in his evidence on affidavit stated that he took possession of the suit land on 25/1/2000 by virtue of the gift deed no. 92/77 dated 25/1/2000. However, PW-2, Chitraranjan Sarkar in his evidence stated that plaintiff had been residing at Phulertal, Silchar since 1977. He further stated that plaintiff had no land in his possession at Golaghat on the date of his deposing evidence. He further stated that Kushal Saikia, defendant no.1 was in possession in the suit land. Plaintiff himself in his cross-examination as PW-1 denied that he had taken

possession of the suit land on 25/1/2000. PW-3, Sri Santanu Pal Mazumdar in his evidence stated that Plaintiff had no house at Golaghat. Since the year 1972 plaintiff had been residing at Phulertal, Schar. DW-3, Pradip Saikia in his evidence stated that defendant no. 3, Jadunath Saikia installed concrete posts in the four boundaries of the suit land in the year 1977 and he helped Jadunath Saikia at the time of installing the concrete posts. DW-2 stated that there were banana trees in the suit land planted by DW-1.

From the above made discussion it can be said that plaintiff is not in possession of the suit land and issue no. 3 is decided against the plaintiff.

Issue no. VI: To what relief, if any, the plaintiff is entitled?

From the discussion made above and findings on the basis of such discussion in the foregoing issues it can be said that plaintiff is not entitled to get any relief.

Order

9. The suit of the plaintiff is dismissed on contest with cost.
10. Prepare decree accordingly.

(Jilmil Begum)
Civil Judge (Jr. Div.) No.1,
Golaghat

APPENDIX

PLAINTIFF'S WITNESSES:

- PW-1 : Dipankor Roy
PW-2 : Chittaranjan Sarkar
PW-3 : Santanu Pal Mazumdar
PW-4 : Diganta Baruah, Lat Mandal

PLAINTIFF'S EXHIBITS:

Exhibit no.2: Appeal Petition filed before the Deputy Commissioner, Golaghat, dated. 19.06.2000

Exhibit no.3: Order of Deputy Commissioner, dated. 01.03.2004

Exhibit no.-4: Petition filed before the Circle Officer, Golaghat dated. 22.11.2013

Exhibit no.5: Death Certificate, dated. 13.05.2010

Exhibit no.6: Gift Deed, dated. 25.01.2000

Exhibit no.7: Jamabandi, dated. 29.11.2016

Exhibit no.8: Land Revenue Paying Receipt for the month of 2018-19, dated 24.06.2019

DEFENDANT'S WITNESSES:

- DW-1 : Kushal Saikia
DW-2 : Bipul Bora
DW-3 : Pradip Saikia

DW-4 : Bijoy Karmakar

DW-5 : Abhilash Sarmah

DEFENDANT'S EXHIBITS :

Exhibit "A": Certified copy of jamabandi of P.P. No 8 under Moukhowa Mouza, in Golaghat town

Exhibit "B": Registered sale Deed dated 21.09.1977 executed between Thaneswar Saikia and Anupoma Roy.

Exhibit "C": Registered Sale Deed vide Deed No 3365/3083, executed between Anupoma Roy and defendant no 2 in connection with the suit land.

Exhibit C (1), C(2), C(3), C(4), C(5), C(6) and C(7): Signature of Anupoma Roy in the said Sale Deed. I can identify the signatures of Anupoma Roy.

Exhibit "D": Sale Deed executed by defendant no 2, vide no 1907/1463, dated 29.11.1996 in my favour, in respect of the suit land.

Exhibit D (1), D(2), D(3), D(4), D(5), D(6): Signatures of Jadunath Saikia in the said Sale Deed, which were done in my presence.

Exhibit D (7), D(8) are the signatures of Jadunath Saikia and **Exhibit D (9)** is the signature of my father Thaneswar Saikia put his signature as a indentifier of the seller

Exhibit "E": Trace Map OF Dag No 1216 of P.P. No 1216 under Moukhowa Mouza in Golaghat town.

Exhibit "F": Revenue Paying receipt of the suit land for the year 1980-81

Exhibit "G": Revenue Paying receipt of the suit land for the year 1983-84

Exhibit "H": Revenue Paying receipt of the suit land for the year 1988-89

Exhibit "I": Revenue Paying receipt of the suit land for the year 1989-90

Exhibit "J": Revenue Paying receipt of the suit land for the year 1992-93

Exhibit "K": Revenue Paying receipt of the suit land for the year 1996-97

(Jilmil Begum)
(Civil Judge, (Jr. Div.) No.1,
Golaghat.