

TITLE SUIT – 170 OF 2015

CIS NO. - 2335 OF 2015

West Bengal Form No. 37016

High Court Form No. (J) 2.

HEADING OF JUDGEMENT IN ORIGINAL SUIT CASE

DISTRICT : MURSHIDABAD

IN THE COURT OF : CIVIL JUDGE (JR. DIVN.), LALBAGH

TITLE SUIT – 170 OF 2015

CIS NO. - 2335 OF 2015

Present : AMRITA DEY

J.O . CODE : WBO1380

Civil Judge (Jr. Divn.),

Lalbagh, Murshidabad

On this the 15th day of June, 2026.

Sanjoy Kumar Mondalplaintiff.

-VS-

Santosh Ghosh and othersdefendant.

SUIT FILED ON : 03.09.2015.

JUDGMENT ON : 15.06.2026

Mr. A. K. GhoshThe Ld. Counsel for the plaintiff.

This is a suit for declaration of title and permanent injunction filed by Sanjoy Kumar Mondal against Santosh Ghosh and others. Court fees Rs. 5/- has been paid as per Court Fees act.

SCHEDULE PROPERTY :

<i>khatian no.</i>	<i>Dag no.</i>	<i>Nature</i>	<i>Measurement</i>
582	975	‘Pukur par’	2.01 acre

That the schedule property under mouza – Bahala P.S – Nabagram, District – Murshidabad is within the Jurisdiction of this court.

The plaintiff's case in brief is that, the original owner of the suit plot to the extent of 1.00 acre was Dabu Behera who sold his share by dint of registered deed dated 09/02/1982 to Jamini Ghosh and Sailen Ghosh who sold their share by two separate deeds dated 05/04/1994 to Girja Charan Chowdhury who sold his share to the plaintiff by dint of registered deed dated 20/04/2007 and his name has duly been recorded in LRROR. It is also stated in the plaint that, the rest 1.00 acre of the suit plot belongs to Bagala Charan Roy who died leaving behind his three sons, wife

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and two daughters, who sold their father's share in suit plot to the plaintiff by dint of a registered deed dated 24/08/2010 and his name has duly been recorded in LRROR. In this manner plaintiff has become the absolute owner of the entire suit plot. Suddenly on and from 25/08/2015 defendants have been claiming their title and possession over the suit property by dint of an erroneous LRROR and thereby they have been trying to dispossess the plaintiff from the suit property, without having any right to do so. Hence, this suit.

The cause of action arose in this suit on 25.08.2015.

Thus the plaintiff has prayed for :-

1) Declaration of title and permanent injunction upon suit property against the defendant and restraining the defendant from creating any disturbance in the peaceful possession of the plaintiffs.

2) For Cost.

3) For any other relief.

The defendant neither appeared nor contest this suit, accordingly the suit proceeded ex parte and the rest defendant did not appear before this Court. Hence, the suit proceeded ex parte against them.

*The case was taken up for ex-parte hearing. The plaintiff, namely, Sanjoy Kumar Mondal has examined as **PW – 1**.*

In support of plaintiff's case the following documents were submitted and those are marked as Exhibits.

The documents are as follows :-

Exhibit - 1 – The original sale deed being no. 786/1994

Exhibit - 2 – The original sale deed being no. 1581/2007

Exhibit – 3 – The original sale deed being no. 787/1994

Exhibit – 4 – The original sale deed being no. 3401/2010

Exhibit – 5 – LRROR being khatian no. 582

Exhibit – 6 – Khajna receipt

Ld. Counsel for the plaintiff submitted that, the plaintiff has duly appeared and deposed before this court and also submitted documents to prove his title and possession over the suit property and as the defendant chose not to contest, the plaintiff is entitled to get the decree as prayed for. Ld. Counsel also submitted that the plaintiff has duly proved his possession by proper documentary evidence and he is entitled to get the decree in respect of the suit property as well as with the

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direction upon the defendant for not to create any disturbance in the peaceful possession of the plaintiff over the suit property.

*After meticulously, going through the case record, this Court is of the modest understanding that, **firstly**, it appeared from the record that in spite of proper service of summons, defendant chose not to appear and contest the suit. As the defendant chose not to dispute with the allegation of the plaintiff against them, the presumption automatically tilts in favour of plaintiff.*

***Secondly**, it appeared from the Exhibit – 1 and 3 that, the plaintiff has been able to prove the title of the persons from whom he purchased the suit property. In absence of any better document, this court finds no impediment to accept these documents as valid. As the defendant did not contradict these documents by any other documents, the court is bound to presume that the plaintiff has been possessing the suit property.*

***Thirdly**, Exhibit-2 and 4 (registered deed) shows that, plaintiff has purchased the entire suit plot by these deeds. It goes without saying that, a registered deed shall be presumed to be genuine unless rebutted by cogent evidence. In regard to this documents also the defendant did not bother to show his possession and the ownership over the suit property by producing better documents. Therefore, the presumption tilts in favour of the plaintiff in absence of any contest.*

***Fourthly**, It appeared from Exhibit-5 that, the suit property has been duly recorded in the name of plaintiff in LRROR. As this is a certified copy, as such, this court is bound to presume this document as genuine.*

***Fifthly**, as the defendant chose not to contest and after going through the evidence of the plaintiff, this court finds no reason to disbelieve or doubt the submission by the plaintiff witnesses and thereby, it can safely be said that the plaintiff are able to prove their case.*

***Sixthly**, it appeared from the plaint that, plaintiff filed complaint against defendant as they have been causing disturbance in their possession on the suit property. As there is no objection or challenge on the side of defendant, therefore this document can safely be accepted in favour of plaintiff.*

***Seventhly**, as the plaintiff has filed sufficient documents to prove the contents of his plaint and as the defendant choose to kept mum against all allegations against him,*

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therefore, it can safely be presume that defendant has no right and title in the suit property and liable to be injuncted from the same and plaintiff had has absolute right title and interest on the suit property.

In the premises set forth above, the plaintiff is entitled to get the decree as prayed for against the defendant as he proved his title and possession on the suit property.

In result the suit succeeds. The Court fees are paid correct.

Hence it is,

ORDERED

That the suit be and the same is hereby decreed ex-parte, against the defendant, without any order as to costs.

It is hereby declared that plaintiff has got the absolute right, title, possession and interest on the suit property as mentioned in the schedule of the plaint.

The defendants are hereby directed not to interfere as well as disturb the peaceful possession of the plaintiff over the suit property as mentioned in the schedule of the plaint.

Therefore, this suit is disposed of in terms of order as mentioned above.

The office is directed to update the relevant register. The office is directed to upload this judgment in CIS portal at once.

D/C by me

***Civil Judge (Jr. Div)
Lalbagh Msd.***

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IN THE COURT OF CIVIL JUDGE (JR. DIVN.) LALBAGH,

MURSHIDABAD

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PRESENT BEFORE : AMRITA DEY

JO CODE : WB01380

Order No. 33 Dated : 15.06.2026.

Today is fixed for exparte argument.

Plaintiff is present by filing hazira.

Heard the argument in full.

Now the record is taken up for passing Judgment at 04:00 pm.

Judgment passed in open Court in 4 (four) sheets.

Let the same be kept with the case record.

Hence it is,

ORDERED

That the suit be and the same is hereby decreed ex-parte, against the defendant, without any order as to costs.

It is hereby declared that plaintiff has got the absolute right, title, possession and interest on the suit property as mentioned in the schedule of the plaint.

The defendants are hereby directed not to interfere as well as disturb the peaceful possession of the plaintiff over the suit property as mentioned in the schedule of the plaint.

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***Sd-/ Amrita Dey
Civil Judge (Jr. Div)
Lalbagh Msd.***

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