

West Bengal Form No. 3701

HIGH COURT FORM NO. (J) 2.

HEADING OF JUDGEMENT IN ORIGINAL SUIT/CASE

DISTRICT : Malda.

IN THE COURT OF : Civil Judge, Senior Division,
Chanchal, Malda.

PRESENT : Smt. Soroshi Goswami (WB01145)
Civil Judge (Sr. Divn.),
Chanchal, Malda.

Dated the 30th day of June, 2026.

O.C. / CASE NO. 46 of 2020

CNR NO.WBML060000132020

Abdul Kaiyum

Plaintiff
Petitioner

Vs.

Abdul Alim & Others

Defendant(s)
Opposite Party(s)

Give date or dates : This suit/case coming on for final hearing on 30.01.2026, 07.02.2026 , 22.04.2026, 06.05.2026 and 02.06.2026 in the presence of

Sri Piku Mandal

Advocate(s) for Plaintiff
Pleader(s) Petitioner

Golam Sani
Masirul Islam

Advocate(s) for Defendant(s)
Pleader(s) Opposite Party(s)

and having stood for consideration to this day, the Court delivered the following
Judgement :

J U D G E M E N T

1. This is a suit for declaration of title, revocation of license and recovery of khas possession, or in the alternative, for Partition valued at Rs.1,00,000/-.

THE CASE OF THE PLAINTIFF IN A SHORT COMPASS :

2. That the suit property previously belonged to one Abdul Kashim, who, subsequently, transferred the same to the plaintiff and his wife, i.e., the defendant no. 5, vide deed no. 200 dated 23.07.2001. Accordingly, the suit property has been recorded in the names of the plaintiff and his wife in the LRROR under Khatian no. 3184 and 3185. The plaintiff has further submitted that he has a wife, one daughter and five sons, but the defendant no. 1, who is one of the sons of the plaintiff, is living in the house of the plaintiff although in a separate mess. When the defendant no. 1 asked the plaintiff for some property to construct his separate house, out of his love and affection for the son, the plaintiff allowed him to live at the suit property upon constructing his house and thus, after getting license from the plaintiff, the defendant no.1 started to live at the suit property after constructing his separate house there. But the defendant no.1 started to pressurize the plaintiff to transfer the schedule Kha property in his favour, for which the plaintiff filed a case being TS 26 of 2013 before the Court of Ld. Civil Judge, Junior Division,

Chanchal , Malda, for eviction and recovery of khas possession of the schedule Kha property. The plaintiff has further submitted that the defendant no.1 of the present suit appeared and contested in the said earlier suit, but the said suit was subsequently dismissed. Thereafter, at the strength of the said decree passed in the earlier suit, the defendant no.1 of the present suit procured a fraudulent deed , which he submitted before the BL & LRO and got the schedule Kha property to be recorded in his name in the LRROR. The plaintiff has also submitted that he filed an appeal against the recording of the LRROR in the name of the defendant no.1, but the said appeal was rejected on contest. It has been contended by the plaintiff that at the strength of such LRROR, the defendant no.1 is trying to grab the schedule Kha property and to alienate the same, claiming his exclusive title. But, the plaintiff requires the said property and hence, the instant suit for revocation of license and recovery of khas possession of the schedule Kha property against the defendant no.1 has been filed by the plaintiff. The plaintiff has also prayed for partition in the alternative against the defendant no. 2 to 5, stating that these defendants no. 2 to 4 got 9 satak property from the plaintiff under a deed, whereas the defendant no. 5 got 11 satak share therein and the plaintiff has the remaining 2 satak share .

3. Contending the aforesaid facts the plaintiff has prayed for revocation of license and recovery of khas possession of the schedule

‘Kha’ property upon declaration of his right title and interest therein against the defendant no.1, or in the alternative, for partition of the schedule Ka property against the defendant no. 2 to 5 along with other consequential reliefs .

CASE OF DEFENDANT NO. 1 IN A NUTSHELL:

4. Denying the contentions of the plaintiff, defendant no.1 namely Abdul Alim , *inter-alia*, contended that this a test case filed by his father, i.e., the plaintiff against him. He has further submitted that he has been in possession of the suit property since 23.07.2001 by way of adverse possession upon constructing his house there. The defendant no.1 has further submitted that the description of the suit property as given in the plaint is vague and the plaintiff neither granted him any license with respect to the suit property, nor he sent him any legal notice for revocation of license. Hence the suit is not maintainable and the suit is also barred by res judicata as the earlier suit being TS 26 of 2013 has already been dismissed. Hence, he prayed for dismissal of the present suit

THE CASE OF THE DEFENDANT NO. 2 TO 5 IN BRIEF:

5. The defendant no. 2 to 5 have also filed their separate written statement, admitting the plaintiff’s case and contended that the LRROR in the name of the defendant no. 1 with respect to the schedule Kha property has no foundation and the defendant no. 1 is a mere licensee.

They have also admitted that the plaintiff has 2 satak share in the schedule Ka property, that is the plaintiff is the owner of the schedule kha property, whereas the defendant no. 2 to 4 are having 9 satak share and the defendant no. 5 has 11 satak share in the schedule ka property. Hence, these defendants have submitted that the plaintiff is entitled to get a decree in terms of his prayers in the plaint.

6. On perusal of the pleadings of both the parties following issues have been framed in this suit:

ISSUES

1. Is the suit maintainable in its present form and in law?
2. Has the plaintiff any cause of action to file this suit?
3. Is the suit barred by limitation?
4. Has the plaintiff any right, title and interest over the suit property?
5. Is the plaintiff entitled to get the decree as prayed for?
6. To what other relief, if any, is the plaintiff entitled to get?

For proper and complete adjudication of this suit, the following additional issues are necessary to be framed :

7. Whether the suit is barred by res judicata?
8. Whether the defendant no.1 is a licensee with respect to the schedule kha property?

EVIDENCE ADDUCED

7. In support of his case, the plaintiff has examined the following witnesses viz.,

1. Abdul Kaiyum (Plaintiff).....**P.W.1,**
2. Majibur Rahaman**P.W.2,**

In order to substantiate his case, the plaintiff has exhibited the following documents:

1. The original registered deed of sale being no. 4238 for the year 2001.....**Exbt.1,**
2. LRROR in connection with khatian no. 3184 of Sripur mouza.....**Exbt.2,**
3. LRROR in connection with khatian no. 3185 of Sripur mouza.....**Exbt.3,**
4. Certified copy of the order dated 19.06.2019, 04.09.2019 and 14.11.2019 passed by Appellate Authority u/S 54 of WBLR Act in connection with Appeal No. 100 of 2017.....**Exbt.4,**
5. Certified copy of the judgment dated 04.09.2015 passed by Ld. Civil Judge, Senior Division, Chanchal, Malda in TS 26 of 2013**Exbt.5,**

On the other hand, the defendants examined the following witnesses:

1. Nurful Bibi (defendant no. 5).....**D.W.1,**

2. Abdul Alim(defendant no. 1).....**D.W. 2.**

3. Abdul Kadir.....**D.W.3.**

The defendant no. 1 has adduced the following documentary evidences:

1. Certified copy of the judgment dated 04.09.2015 passed by Ld. Civil Judge, Senior Division, Chanchal, Malda in TS 26 of 2013**Exbt.A,**

2. Certified copy of the decree passed by Ld. Civil Judge, Senior Division, Chanchal, Malda in TS 26 of 2013**Exbt. B.**

3. Certified copy of the ordersheet dated 04.09.2015 passed by Ld. Civil Judge, Senior Division, Chanchal, Malda in TS 26 of 2013 **Exbt. C.**

4. LRROR in connection with khatian no. 3724 of Sripur mouza.....**Exbt. D (objected to).**

5. Two ground rent receipts.....**Exbt. E collectively (objected to).**

6. Two Panchayet Tax receipts for the year 2024-2025 and 2022 -2023 **Exbt. F collectively(objected to).**

7. Certified copy of the order sheet in connection with case no. MN/2016/0904/2512 of 18.11.2016 mutation of land under Sec.50 of WBLR Act **Exbt. G (objected to).**

8. Two Electric bills for the months of February, 2025 to April, 2025 and November, 2022 to January, 2023 along with payment receipts.....**Exbt. H collectively(objected to).**

8. Ld. Advocate for the plaintiff opened his argument with the elaborate description of the facts involved in this suit. In this regard, by giving emphasis upon the evidences adduced by the defendant no.1, he has submitted that there is no such evidence to establish the foundation of the entries in the name of the defendant in the LRROR. He further argued that there is no such deed of transfer in favour of the defendant no. 1 with respect to the schedule 'kha' property. Rather, the plaintiff has successfully proved his title by adducing oral as well as documentary evidence. As such, the plaintiff being the owner of the suit property, is entitled to recover the schedule 'kha' property. However, Ld. Advocate for the plaintiff did not specifically emphasize upon the alternative relief of partition as prayed in the plaint. Hence, he prayed for a decree in terms of the principle relief of recovery of khas possession upon declaration of the title of the plaintiff in the schedule 'kha' property.

On the other hand , Ld Advocate of the defendant no. 1 has presented his argument by giving emphasize on the issue of maintainability of this suit on the ground of res judicata as well as bar of Civil Court's jurisdiction under the provisions of WBLR Act. It has been submitted by the Ld. Advocate for the defendant no. 1 that this suit has

been filed by the plaintiff - father against the defendant no. 1, who is his son. It has been submitted by him that a similar suit was filed by the plaintiff against this defendant no. 1 vide T.S. No. 26 of 2013 before this Court for declaration of title and eviction and recovery of khas possession. But, after contested hearing, the said suit got dismissed. As such, the present suit is barred by the principle of res judicata. Ld. Advocate for this defendant no. 1 has further argued that although the plaintiff is challenging the LRROR in the name of the defendant no. 1 with respect to the suit property, but this Court has no jurisdiction to correct the LRROR in the name of the defendant no. 1 and therefore, the suit is not maintainable. Hence, he prayed for dismissal of the present suit.

DECISION WITH REASONS

9. ISSUE NOS. 1,2,3 & 7:-

For the sake of brevity and conciseness, these four issues are taken up together for discussion as they are inter-related.

In the present case in hand the plaintiff has prayed for a declaration of his right, title and interest in the schedule 'Kha' property together with eviction of the defendant no. 1 and recovery of khas possession of the said property, or in the alternative, for a decree for partition against the defendant nos. 2 to 5.

From the averments of the pleadings as well as from the evidences on record it appears that, admittedly, on earlier occasion, the plaintiff filed a suit against defendant no. 1 with respect to schedule 'kha'

property for eviction and recovery of khas possession vide T.S. Case No. 26 of 2013. Both the parties have submitted the certified copy of the judgment dated 04.09.2015 passed in the said suit (**marked as Exbt. 5 and Exbt. A**). Based upon the said judgment it has been argued by the Ld. Advocate for the defendant no. 1, that the present suit is not maintainable and barred by the principle of res judicata.

10. Before going into the discussion on this issue, let me here quote the relevant provision of Section 11 of the Civil Procedure Code, which reads as follows:

Section 11 - *“No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.”*

Therefore, in order to apply the principle of res judicata the following conditions are required to be fulfilled:

- *Matter in issue in the subsequent suit must be directly and substantially same in the former suit must be same.*
- The former suit must have been between the same parties, or between parties under whom they or any of them claim.
- The parties must be litigating under the same title in both the

former and subsequent suits.

- The court that decided the former suit must have had jurisdiction to try the subsequent suit or the suit in which the issue has been raised.
- The matter in issue must have been heard and finally decided by the former court.

The rule of res judicata is evolved on the principle of “*Nemo debet bis vexari pro una et eadem causa*”, which means that no man should be vexed twice for the same cause.

11. Although neither the plaintiff, nor the defendants submitted the pleadings of the earlier suit, i.e., TS 26 of 2013, however, upon careful perusal of the judgment passed in the said suit (**marked as Exbt. 5 and Exbt. A**), it appears that the following issues were framed in the said suit :

1. Is the suit maintainable in its present form and in law?
2. Have the plaintiffs any cause of action to file this suit?
3. Have the plaintiffs any right, title and interest over the suit property?
4. have the defendants forcibly dispossessed the plaintiffs from the suit property ?
5. Are the plaintiffs entitled to get the decree as prayed for?
6. To what other relief, if any, are the plaintiffs entitled to get?

It further appears from the careful reading of the said judgment that

regarding the issue no. 2, 3 and 4 it was hold by the Ld. Court that the plaintiffs in the said case , failed to prove the factum of alleged dispossession date 25.05.2013 , which was the cause of action of the said suit and mainly, on that findings, the said suit was dismissed.

Upon careful perusal of the evidences adduced by the defendant no. 1, particularly his LRROR (**marked as Exbt. D after objection**) and rent receipts (**marked as Exbt. E collectively after objection**), these documents are found to be prepared after the passing of the judgment in TS No. 26 of 2013. Besides, from the order sheet of Mutation Case no. MN/2016/0904/2512 of 18.11.2016 (**marked as Exbt. G with objection**) it appears that on the basis of a deed vide no. 26 dt. 01.01.2013 the entries in the LRROR was made in the name of the defendant no. 1 Abdul Alim with respect to 2 satak property at suit plot no. 1255.

Now coming to the present case in hand, in the present case, the plaintiff has contended that at the strength of the LRROR in his name, which was prepared on the basis of the said decree passed in T.S. Case No. 26 of 2013, the defendant no. 1 is trying to alienate schedule 'kha' property and on 14.02.2020 when the defendant no. 1 claimed his absolute title in the suit property and threatened to transfer the same, the plaintiff revoked his license and thereafter, he filed the instant suit. Thus, there is subsequent changes in the circumstances, which prompted the plaintiff to file the instant suit. Cause of action is a bundle of facts that entitled a

party to seek relief from the Court and existence of a cause of action is pre-requisite for the success of a suit and the burden of proving the same lies upon the plaintiff.

Thus, from the foregoing discussions it is found that although the parties in the present suit, particularly the plaintiff and the defendant no. 1 were also the parties in T.S. 26 of 2013, but the cause of action of the two suits appear to be distinct. Whereas, in the earlier suit the alleged dispossession of the plaintiffs on 25.05.2013 constituted the cause of action for the earlier suit, as revealed from the judgment passed in the said suit, in the present case in hand, the cause of action arose with the revocation of license on 14.02.2020, when the defendant no. 1, at the strength of LRROR in his name, tried to alienate the suit property claiming his exclusive title in the suit property.

Thus, from the above discussion, it can be safely concluded that the cause of action of the present suit, being clearly distinguishable from the cause of action of the earlier suit, the principle of res judicata will not be applicable to the present suit.

The issue of limitation has neither been pressed by the Ld. Advocate for the defendant no. 1 at the time of argument, nor any evidence has been produced to show that the present suit is barred by limitation.

Therefore, in view of the above discussion, I am of the humble opinion that the present suit is well maintainable in its present form and

prayer and not hit by the doctrine of res judicata.

With this observation these four issues are decided in favour of the plaintiff and accordingly, disposed of.

12. ISSUE NO. 4,5,6 & 8 :

Again for the sake of convenience and to avoid unnecessary repetitions, these four issues are taken up together for discussion.

It is the specific case of the plaintiff that by virtue of a registered deed vide no. 200 dt. 23.04.2001 (**marked as Exbt. 1**), he along with his wife namely Bibi Nurful purchased 22 satak property at suit plot no. 1255 under Sripur mouza, described as schedule 'ka' property. He also claimed that after his purchase of the said property, he came into possession therein and it was recorded in his name as well as in the name of his wife under LR khatian no. 3184 and 3185 of Sripur mouza, respectively (**marked as Exbt. 2 and Exbt. 3**). On the other hand, in his written statement, the defendant no. 1, nowhere challenged the title of the plaintiff by dint of his said purchase deed, neither challenged the deed of the plaintiff. However, the defendant no. 1 has specifically made out a case of adverse possession in his favour and claimed that he has been possessing the suit property since 23.07.2001 openly and adversely to the knowledge of the plaintiff upon constructing his house therein and accordingly, the suit property has been recorded in his name in the LRROR. Thus, he denied the grant of any alleged license in his favour by the plaintiff.

Therefore, even assuming for the sake of argument that the defendant no. 1 is in possession at the schedule 'kha' property, but by dint of the LRROR in his name he cannot claim his title over the said property. Because, this is a well established principle of law that record of rights does not create nor extinguish title to any property.

In this regard, let me refer the decision of the Hon'ble Apex Court in **G.M Pavaskar & ors. vs. N.S Navalgund & ors., AIR 2008 SC 91**, where it has been held that the revenue record is not a document of title. It raises mere presumption of possession and or continuity thereof both forward and backward under Sec. 110 of Evidence Act.

13. So far the plea of adverse possession of the defendant no. 1 in the schedule 'kha' property is concerned, no such material evidence has been adduced by the defendant no. 1 to show that he came into possession at the suit property on 23.07.2001. Rather, from the documentary evidences adduced by the defendant no. 1 it appears that the electricity bills **(marked as Exbt. H collectively)**, the panchayat tax receipts **(marked as Exbt. F collectively)**, are all of recent years like his LRROR **(marked as Exbt. D with objection)** and none of these documents transpires that the defendant no. 1 was in possession of the schedule 'kha' property in the year 2001.

In this context, let me here refer the evidence adduced by the PW-1 namely Abdul Kaiyum where he has admitted the possession of the defendant no. 1 in the 2 decimal property at the suit plot and also deposed

that the defendant no. 1 constructed house on the said property after 2013. Although in a civil suit the plaintiff, being the dominus litis, the burden of proof lies upon him to establish his case, but where the defendant has made out a specific case of his adverse possession in the disputed property, the onus lies upon him to prove that he has accrued possessory title in the said property through long and continuous adverse possession.

14. In this regard, it is worthy to be mentioned here that the DW-2, namely, Abdul Alim i.e., the defendant no. 1, in his affidavit-in-chief, has stated that he has been possessing 2 satak property at the suit plot by way of adverse possession since 23.07.2001 and by virtue of the decree passed in T.S. No. 26 of 2011 **(marked as Exbt. B)**, the said 2 satak property was recorded in his name under LR khatian no. 3724 **(marked as Exbt. D)**. Therefore, a question may arise as to why the 2 decimal property at the suit plot was recorded in the name of the defendant no. 1 only after passing of the decree in TS No. 26 of 2011 if the defendant no. 1 was in possession of the said property since 23.07.2001. Most importantly, it has been also deposed by DW-2, in his cross-examination, that his father did not execute any deed of transfer in his favour. He also admitted in his cross-examination that he took permission from his father to construct a house in the land and on 23.07.2001 he was occupying the suit property after getting permission to stay.

Thus, from the evidence of DW-2 it is clearly revealed that

although he is in possession at the schedule 'kha' property, but the same was never an adverse possession and it was started with the permission of the plaintiff.

Let me quote the well known maxim that ***"Possessio contra omnes valet praeter eum cui ius sit possessionis"***. This means that possession is good against the whole world except the person having a better right. Therefore, in the present case in hand weighing the evidences adduced by both the parties, I am of the humble opinion that the plaintiff has proved a better title with respect to the suit property than the defendant no. 1, who is claiming title in the property of his father through adverse possession, which he not only fails to prove but also is very unfortunate.

Now, admittedly the defendant no. 1 is in possession of the schedule 'kha' property. The plaintiff has claimed that he granted a license in favour of the defendant no.1. But, subsequently, a family dispute cropped up between the plaintiff and the defendant no. 1, who is one of the sons of the plaintiff, started to live in the house of the plaintiff, but in different mess and finally the plaintiff revoked the license and filed the instant suit.

In this context, let me again referred the examination-in-chief of DW-2 on affidavit where he has stated that ***"That the plaintiff gave permissive possession in the favour of defendant no. 1 not certain period on condition to hand over the possession as and when registered of the plaintiff and the said property is bastu property."*** Upon

meaningful interpretation of this statement made by the defendant no.1, ie., the DW-2 it can be concluded that there was grant of permission on the part of the plaintiff in his favour.

It is important to be noted here that a property can be possessed by a person in five capacities : as owner, as lessee/ tenant , as licensee, as adverse possessor and lastly as trespasser. In the present case in hand, the defendant no.1, in the averments of his written statement, nowhere claimed that he acquired his right, title and interest in the schedule 'kha' property by any deed, rather he claimed his title through adverse possession, which, as it has been discussed earlier, he failed to prove. Since , there is no prescribed form to create a license, therefore, keeping in mind the relationship between the plaintiff and the defendant no. 1 and from the other prevailing circumstances, the existence of the alleged license can very well be inferred.

15. The term 'License' as defined under Section 52 of the Easements Act, 1882 means *where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immovable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a licence.*

From the above definition, it may be ascertained that the licence originates in a grant; the licence can be granted only in favour of a definite number of persons; a licensee has no interest in the property,

apart from the right to do or continue to do something which would be unlawful in the absence of such right.

Therefore, in absence of any evidence to the contrary, it can be concluded that the defendant no. 1 is in possession at the schedule 'kha' property merely as a licensee under the plaintiff.

It has been argued by Ld. Advocate for the defendant no. 1 that the plaintiff did not issue any notice revoking the license of the defendant no. 1 and as such, he is not entitled to get the decree for recovery of possession against him.

16. Unlike, in a case of eviction of lessee or a tenant, a notice is not always required to bring a suit for eviction of a licensee. In this regard, let me refer the decision reported in **AIR 1971 CAL 435** where it has been held that eviction notice is not compulsory in case of licensee. It has also been opined by the Hon'ble High Court at Calcutta that there can be no universal inflexible rule that a licensee has to be revoked by a demand for possession, before a suit is instituted and therefore, the institution of a suit itself can be deemed to be implied revocation of license.

In this regard, let me also refer the decision reported in **AIR 1956 Cal 79** in the case of **Raghupati Roy & Ors. vs. Debu Karmakar & Ors.** wherein it was held that, 'Where the licensor files a suit possession against the licensee that is enough notice'. Similar view was taken by the Hon'ble Court in the case of **Smt. Sayambari Dassi vs. Dwijapada Naskar** reported in **AIR 1971 Cal 435**, wherein the Hon'ble High Court has been pleased to hold that, 'The licensee has

no interest in the property but only a personal privilege and as such, a revocation of the licence by demand for possession is not always pre-condition for institution of an eviction suit against him and it depends on facts of each case.'

Thus, from the above discussions it can be found that the plaintiff, having succeeded to establish his right, title and interest in the schedule 'ka' property, is entitled to get a decree for eviction against the defendant from the schedule 'kha' property, which is a part of schedule 'ka' property upon revocation of the license of the defendant no.1.

Let me refer the decision reported in **2001 (2) CLJ 475**, where it has been held that where the title of the plaintiff in respect to the suit property is being proved and the defendant fails to prove any better title , the plaintiff should not be refused a decree for eviction against the defendant .

Let me also refer the decision in the case of Tarumoni Mondal & Ors. Vs. Prafulla Kumar Mondal & Ors., reported in (2006) 2 WBLR (Cal) 82 and in that case the Hon'ble High Court at Calcutta observed that, *'It is now settled law that even if actual induction as licensee is not proved, the moment the plaintiff establishes absolute title to the property and the defendant fails to establish his title in the property, the plaintiff is entitled to get a decree for eviction as a matter of course simply on the basis of title'*.

Thus, from the foregoing discussions it can be safely concluded that the plaintiff, who granted license to his son, ie., the defendant no. 1

with respect to schedule 'kha' property, is entitled to get a decree of eviction and recovery of possession against the defendant no. 1 upon revocation of the license.

17. It is worthy to be noted here that in the present case in hand, the plaintiff has prayed for an alternative relief of partition against the rest defendant nos. 2 to 5. However, the cause of action for the suit for partition cannot be said to be the same that of the cause of action for the suit for eviction of licensee and recovery of possession. But, since the relief for partition has been prayed for by the plaintiff as an alternative relief and not as a consequential relief with the specific relief of recovery of khas possession, therefore, in my humble opinion, the suit will not fail due to misjoinder of cause of actions. Because, here from the above discussions it can be found that the plaintiff, having succeeded to prove his case, is entitled to get the primary and principle relief as sought for by him against the defendant no. 1 in the form of recovery of possession, therefore, the question of granting the alternative relief will not arise at all.

Thus, from the foregoing discussions, it is found that the plaintiff has succeeded to prove his right, title and interest in the schedule 'kha' property and as such, he is entitled to get the relief of eviction against the defendant no.1 from the schedule 'kha' property.

With this observation, all these four issues are decided in favour of the plaintiff and accordingly disposed of.

Thus, all the issues are disposed of .

In the result, plaintiff's suit succeeds against the defendant no. 1.

Court fees paid is correct.

18. Hence, it is

O R D E R E D

that the present suit being O.C. No. 46 of 2020, be and same is decreed in part on contest against defendant No.1 without any cost.

Therefore, the plaintiff is hereby declared to have his right, title and interest in the schedule 'kha' property.

Accordingly, defendant no. 1 is directed to quite and vacate the schedule 'kha' property within 60 days from the date of passing of this order upon revocation of his license by the plaintiff, in default of which the plaintiff is at liberty to put the decree into execution.

Thus, the suit is disposed of.

Note in the register.

Sdr. to note about this disposal on the relevant trial register.

Dictated and corrected by me.

Civil Judge (Sr. Divn.),
Chanchal, Malda

(Soroshi Goswami)
Civil Judge (Sr. Divn.),
Chanchal, Malda