

CRP 37/2015

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

The petitioners are the defendants in the ejectment suit i.e. Title Suit No.11/2010 filed by the opposite party Dipti Rani Seal. Initially the learned Munsiff No.1, Dibrugarh dismissed the suit on 28.08.2012 (page-75) by considering that the plaintiff failed to establish her title over the suit land. However, on plaintiff's appeal through the Title Appeal No.64/2012, the learned Civil Judge, Dibrugarh on 20.06.2014 (page-92) reversed the Trial Court and decreed the ejectment suit.

Mr. P.J. Saikia, the learned counsel reads the testimony of PW-1 to project that she failed to identify the vendor from whom she purchased the suit land and moreover she was unaware about the boundary of her purchased property. The counsel projects the discrepancy in the land boundary shown in the schedule and the boundary shown in Exhibit-2 to contend that the finding of the Trial Court is based on inconsistent evidence.

In view of above, let notice returnable in 4(four) weeks be issued. The respondent (plaintiff) has entered appearance through the Sr. counsel Mr. G.P. Bhowmik. Therefore formal notice need not be issued.

The case be admitted. The LCR be called.

In the meantime, further proceeding in the Execution Case No.19/2014 pending before the learned Munsiff No.1, Dibrugarh is stayed, until further orders.