

**HIGH COURT OF TRIPURA
AGARTALA
RSA No.33 of 2024**

1. Sri Ranjan Singha, Age-52 years

S/O Late Shakti Singha,

2. Sri Amiya Singha, Age-59 years

S/O Late Shakti Singha,

Both are resident of Panchasi,

P.S.-Kamalpur, District-Dhalai Tripura

----- Appellants

Versus

1. Sri Amal Singha

S/O Late Surendra Singha

Resident of Panchasi, P.S. Kamalpur,

District-Dhalai, Tripura.

At present residing at village Chandrapur

(Near Manipuri Nat Mandir), P.O. Reshambagan,

P.S.-East Agartala, District-West Tripura, Pin-799008.

----- Respondent

For Appellant(s)	:	Mr. Ashutosh De, Adv.
For Respondent(s)	:	Mr. Purusuttam Roy Barman, Sr. Adv, Mr. Samarjit Bhattacharjee, Adv, Mr. Kawsik Nath, Adv.
Date of hearing	:	24.07.2025
Date of delivery of Judgment & Order	:	31.07.2025
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This appeal under Section 100 of CPC is preferred challenging the judgment dated 09.08.2024 and consequential decree dated 13.08.2024 delivered by Learned Additional District Judge, Dhalai Judicial District, Kamalpur in connection with T.A. No.1 of 2019. By the same judgment and decree, Learned 1st Appellate Court has been pleased to dispose the appeal by setting aside the judgment dated

04.12.2018 and consequential decree dated 13.12.2018 delivered by Learned Civil judge (Junior Division) Kamalpur in connection with TS No.4 of 2014.

2. Heard Learned Counsel Mr. Ashutosh De appearing on behalf of the appellant-defendants and also heard Learned Senior Counsel Mr. Purusuttam Roy Barman assisted by Learned Counsel Mr. Samarjit Bhattacharjee and Learned Counsel Mr. Kawsik Nath appearing on behalf of the respondent-plaintiffs.

3. The factual aspect of the case runs as follows:

The suit property as described in the schedule of the plaint is recorded under khatian No.125 appertaining to C.S. plot Nos.132, 133, 134(p) corresponding to R.S. plot Nos.198, 199 and 200 measuring 0.72 acres of land which has been purchased by the respondent-plaintiff Shri Amal Singha. The respondent-plaintiff purchased the said land as mentioned in the schedule of the plaint from his father-in-law Sri Dhani Singha who executed a Power of Attorney in favour of Smt. Tarudini Singha, wife of Shri Amal Singha(respondent-plaintiff) as his lawful attorney for transferring of the suit land. Accordingly, on the strength of Power of Attorney, the wife of the respondent-plaintiff transferred the suit land in favour of the respondent-plaintiff by virtue of a registered deed bearing No.-I-264 dated 16.05.2011. After purchase of the suit land, the same was mutated in the name of the respondent-plaintiff by the revenue authority and finally published Khatian No.125 was created in his favour. According to respondent-plaintiff, at the time of purchase of the suit land he got possession of the same and boundary pillars were

posted therein and in course of possessing the suit land on 25.07.2013 the appellant-defendants forcefully tried to dispossess the respondent-plaintiff from the suit land but failed. Thereafter, the respondent-plaintiff lodged a complaint to SDM, Kamalpur and a proceeding under section 145 of Cr.P.C. was accordingly instituted vide case No.Misc./5/2014 before the Court of Executive Magistrate(SDM, Kamalpur) on the basis of said complaint but during the pendency of the said proceeding, the appellant-defendants illegally entered into the suit land and dispossessed the respondent-plaintiff therefrom on 10.08.2014. It was further submitted by the respondent-plaintiff that by virtue of sale deed, he acquired right title interest over the suit land but the appellant-defendants dispossessed him from the suit land on 10.08.2014. In such a situation, the respondent-plaintiff filed the suit before the Learned Trial Court with a prayer to grant a decree declaring his right, title, interest over the suit land as mentioned in the schedule of the plaint and also to evict the appellant-defendants from the suit land and to grant permanent injunction over the suit of the land with cost of the suit.

After registration of the suit, notices were issued upon the appellant-defendants and accordingly they appeared before the Court and contested the suit by filing a written statement. In the written statement, the appellant-defendants categorically denied all the averments made by the respondent-plaintiff in the plaint rather they took the plea that the father of respondent-plaintiff, Surendra Singha(since dead) and the father of appellant-defendants, Shakti Singha(since dead) were brothers of each other and both of them

were jointly possessing their lands along with the suit land of the case. To the Western side of the suit land, one pond was excavated by them for water and it was used by the local people. Later on, Surendra Singha surrendered his portion of land in favour of Shakti Singha(since dead) in exchange of some land besides his residence. After that, Shakti Singha(since dead) started possessing the said surrendered land and constructed a Shiva temple therein in the middle portion and adjacent a small portion of the suit land was used as courtyard. On 25.05.1998, the appellant-defendants have constructed a pucca dwelling hut and cowshed and started living over the suit land continuously with others without any disturbance or objection or obstruction from any corner not even from Dhani Sinha or the respondent-plaintiff. It was submitted by the appellant-defendants in their written statement that Shakti Singha (since dead) was possessing the land to the southern side of the suit land and to the northern side of the landed properties of one Dinesh Das recorded under Khatian Nos.506 and 442 were situated. The appellant-defendants have pointed out in their written statement that the description of the landed properties in the Power of Attorney executed by Dhani Singha in favour of Tarudini Singha do not match with the description of landed properties mentioned in the sale deed No.I-264 dated 16.05.2018 and due to that reason the plaintiff intentionally suppressed the boundaries of the suit land in the schedule of the plaint. It was further submitted by the appellant-defendants that the suit land was never owned and possessed by Dhani Singha and as such Khatian No.125 has been prepared illegally with the help of

settlement staff. The appellant-defendants have specifically mentioned in the written statement that since 25.12.1998 they are possessing the suit land adversely denying the right, title, interest and possession of Dhani Singha and as such there was no merit in the suit filed by the respondent-plaintiff. Hence, by their written statement the appellant-defendants prayed for dismissal of the suit.

It is to be noted here that initially the then Learned Civil Judge(Junior Division), Unakoti District, Kamalpur by the judgment dated 08.08.2016 and decree dated 11.08.2016 in connection with T.S. No.4 of 2014 dismissed the suit of the respondent-plaintiff and challenging that judgment, the present respondent-plaintiff preferred one first appeal under section 96 of CPC before the Court of Learned Additional District Judge, Unakoti District, Kamalpur which was registered as T.A. No.6 of 2016 and the then Learned Additional District Judge by the judgment dated 23.06.2017 remanded back the suit to the Learned Trial Court with directions to re-admit the suit in its original number and to give opportunities to both the parties to lead evidence afresh on the additional issues framed by the Learned Trial Court on 08.08.2016 and thereafter to take into account all the evidences together and to decide the issues afresh. Accordingly, the matter was reheard and thereafter Learned Civil Judge(Junior Division), Dhalai District, Kamalpur further dismissed the suit by another judgment dated 04.12.2018 and challenging that judgment, the plaintiff as appellant has further preferred appeal and the Learned First Appellate Court by subsequent judgment dated 09.08.2024 has been pleased to allow the appeal and set aside the judgment dated

04.12.2018 and decree dated 13.12.2018 of the Learned Trial Court and after that the original defendants as appellant have preferred this second appeal before this Court which is now taken up for consideration.

4. However, before the Learned Trial Court below, upon the pleadings of the parties following issues were framed:

- i) Whether the suit is maintainable in its present form and nature?**
- ii) If so whether plaintiff is entitled to for declaration of the right, title and interest and also for permanent injunction over the suit land in his favour being owner of the suit lands?**
- iii) Whether plaintiff is entitled to any other relief/releives?**

In order to prove the issues both the parties have adduced oral/documentary evidence on record. For the sake of convenience, let this Court mention herein below the names of the parties and their exhibited documents which are as follows:

(A) Plaintiffs' Exhibits :-

- i) Ext.1(as a whole):- Registered sale deed dated 16.05.2011 in five sheets proved by PW1.**
- ii) Ext.2:- Certified copy of finally published khatian No.125 proved by PW1.**

(B) Plaintiffs' Witnesses :-

- i) PW.1- Sri Amal Singha, the plaintiff himself.**
- ii) PW.2-Sri Gangadhar Debnath.**
- iii) PW.3-Sri Samar Debnath.**
- iv) PW.4-Smt. Tarudini Singha.**

(C) Defendant's Exhibits :-

- i) Ext.D/1:- Certified copy of the petition filed in the court of SDM, Kamalpur proved by DW1.**
- ii) Ext.D/2:- Certified copy of map of Mouja Panchasi, Tehsil-Barasurma proved by DW1.**
- iii) Ext.D/3:- Certified copy of khatian No.125.**
- iv) Ext.D/4:- Certified copy of inquiry report in connection of case No.Misc 5 of 2014 under section 145 of CrPC.**
- v) Ext.D/5:- Certified copy of order sheet dated 27.09.2014.**
- vi) Ext.D/6:- Certified copy of notice issued in connection of case No.Misc 05 of 2014.**
- vii) Ext.D/7:- Certified copy of khatian in the name of Dinesh Chandra Das.**

- viii) Ext.D/8:- Certified copy of another khatian in the name of Shakti Singha.
- ix) Exbt.D/9:- Certified copy of a deed dated 16.05.2011.
- x) Ext.D/10:- Certified copy of power of attorney dated 05.06.2010 in the nam of Smt. Tarudini Singha.
- xi) Ext.A:- Certified copy of the field inquiry report dated 22.10.2017 prepared and proved by DW-6.
- xii) Ext.A(a) & Ext.A(b):- Signature of DW-6 on the field inquiry report dated 22.10.2017.
- xiii) Ext.B & Ext.B(a):-Certified copy of the certificate issued by DW-7 and his signature on it.

(D) Defendant's Witnesses :-

- i) DW.1 Sri Amiya Singha.
- ii) DW.2 Sri Madhumangal Singha.
- iii) DW.3 Sri Bimal Chandra Das.
- iv) DW.4-Sri Ranjan Singha.
- v) DW.5-Sri Nirmal Singha.
- vi) DW.6-Sri Shyamal Debbarma.
- vii) DW.7-Sri Anil Das.

Finally, on conclusion of trial Learned Trial Court by judgment dated 04.12.2018 dismissed the suit with the following observation:

ORDER

33. In the result, the suit of the plaintiff is dismissed on contest with cost being devoid of merits.

34. Draw up the decree accordingly and place before me for signing within 15 days from today.

Challenging that judgment, the present respondent-plaintiff again preferred first appeal before the Learned First Appellate Court under section 96 of CPC and the Learned 1st Appellate Court by subsequent judgment dated 09.08.2024, as stated above, reversed the findings of the Learned Trial Court. The operative portion of the judgment runs as follows:

ORDER

13. a) In view of the above findings, the T.A. 01 of 2019 is decreed on contest and the judgment dated 04.12.2018 and decree dated 13.12.2018 passed by Ld. Civil Judge, (Junior Division), Kamalpur, Dhalai Judicial District arising out of case No.T.S. 04 of 2014 is not sustainable in law and liable to be interfered with and set aside.

b) The Appellant/Plaintiff has right, title and interest as described in the scheduled of the suit land. It is also directed the Defendant/Respondent and his men or agents are permanently injuncted

and restrained to disturb the peaceful possession of the Appellant/Plaintiff over the suit land. It is also directed that the Defendants/Respondents shall vacate the suit land within 30(thirty) days failing the Appellant/Plaintiff is given liberty to take steps for recovery of the possession of the suit land in accordance with law.

(c) No order as to costs.

(d) Prepare decree.

(e) Send the L.C. Record along with a copy of this judgment.

(f) This appeal stands disposed on contest.

Challenging that judgment, the defendants as appellants have preferred this appeal. At the time of admission of appeal, following substantial questions of law was formulated by this Court vide order dated 07.02.2025:

"Whether the judgment of Learned First Appellate Court is perverse for not taking into consideration the provision of Order VII Rule 3 of CPC."

5. At the time of hearing, Learned Counsel for the appellant-defendants first of all has drawn the attention of the Court that although according to respondent-plaintiff, his father-in-law, Dhani Singha was the owners-in-possession of the suit land but in support of title of said Dhani Singha, the respondent-plaintiff could not adduce any documentary evidence on record before the Learned Trial Court. Furthermore, the wife of the plaintiff being the constituted attorney of Dhani Singha transferred the suit land to the respondent-plaintiff but if the schedule of land as mentioned in the Power of Attorney is tallied with the schedule of land as mentioned in the deed of the respondent-plaintiff dated 16.05.2011(Exhibit-1), it will transpire that both the schedules are different in respect of northern and southern side. It was further submitted that according to respondent-plaintiff, this suit land was vacant but from the evidence on record, it will transpire that

there is one Shiv temple, homestead, cowshed, etc over the said land and furthermore, the responding-plaintiff did never possess the suit land as alleged. Even said Dhani Singha being the father-in-law of the respondent-plaintiff also had no title over the suit land and even he also did never possess the suit land at any point of time. More so, the report of SDM will clearly transpire the possession of the appellant-defendants over the suit land since long back. It was further submitted by Learned Counsel for the appellant-defendants that intentionally the respondent-plaintiff did not mention the boundary of the suit land in the plaint. So, in summing up, Learned Counsel for the appellant-defendants submitted that considering the oral/documentary evidence on record, the Learned Trial Court below rightly dismissed the suit of the respondent-plaintiff but the Learned First Appellate Court without appreciating the evidence on record reversed the judgment of Learned Trial Court which is required to be interfered with.

Learned Counsel further referred the provision of Order VII Rule 3 of CPC and submitted that in absence of specific boundary of suit land, the suit was not maintainable which the Learned Trial Court could consider and that is why, the Learned Trial Court below after elaborate discussions of the evidence on record rightly dismissed the suit. It was also submitted that by the long standing possession, the appellant-defendants have acquired right of adverse possession over the suit land.

6. On the other hand, Learned Senior Counsel Mr. Purusuttam Roy Barman appearing on behalf of the respondent-plaintiff first of all

has drawn the attention of the Court that the appellant-defendants have taken different stands in the suit. According to Learned Senior Counsel, firstly the appellant-defendants took the plea that they are possessing the suit land since long back and again the appellant-defendants took the plea that they have acquired right of adverse possession over the suit land. It was further submitted that the appellant-defendants in the written statement did not took the plea of adverse possession and furthermore, no specific averments were mentioned by the appellant-defendants in their written statement regarding application of Order VII Rule 3 of CPC. Learned Senior Counsel again submitted that Learned Trial Court below failed to appreciate the evidence on record and the legal position thus dismissed suit of the respondent-plaintiff but the Learned First Appellate Court after considering the materials on record, reversed the judgment of the Learned Trial Court.

Further, Learned Senior Counsel in course of hearing has drawn the attention of the Court regarding the substantial question of law formulated by this Court on 07.02.2025 and referred the last part of para No.10 of the judgment dated 09.08.2024 delivered by Learned First Appellate Court which is reproduced as under:

"10. The present suit land Plot Nos. 198, 199 and 200 measuring 72 sataks of land (1 kanni 16 gandas). The Defendant relied on Exbt. D/4 (records of rights). There are three Plot Nos.202/1452, 203, 204/1454 measuring 25 sataks of land. On the northern side of the land Exbt.D/4 there are plot Nos.198 and 199 (which is the plot number of the Appellant/Plaintiff). The description of the boundaries of the suit land in the Sale Deed (Exbt.1) indicates the northern side for the plot nos.196 and 197 which belongs to Dinesh Das. The Exbt.D/7 is the Record of Right of one Dinesh Das which further confirms the fact that the boundaries of the suit land are not mismatched to the documentary evidence adduce by the Appellant/Plaintiff. There is no case of discrepancy between the plot nos and boundaries.

Though the boundaries has not been mentioned in the schedule of the suit land. However, for identification of the suit land, under the prior issues of VII rule 3 of CPC where the subject matter of the suit is immovable property, the plaint shall contain a description of the property sufficient to identify, and, in such case such property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers. The Plots numbers are rightly tallied with the documentary evidence and there no inherent defects.

Based on the above principles of law the Defendant/Despondent even if in the possession of the suit land the Appellant/ Plaintiff has a better title.

Ld. Advocate for the Defendant/Respondent has challenged the Sale Deed as it has not been proved in accordance with the Indian Evidence Act. I concur with the submission of the Ld. Advocate representing the Defendant/Respondent but the registration of the Sale Deed can be considered and admissible in evidence as held by the Hon'ble Supreme Court in a case of Damodhar Narayan Sawele (D) Through L.Rs Versus Shri Tejrao Bejirao Mhaske and Ors. The Hon'ble Supreme Court of Indian observed that "there could be no doubt will respect to the position where deed of sale had been duly executed and registered and its delivery and payment of consideration was endorsed thereon, it would amount to a full transfer of ownership so as to entitle its purchaser to maintain a suit for possession of the property sold."

The Hon'ble Supreme Court in a case reported in (2008)15 SCC 673 held in Para 38 "Section 16 of the Contract Act provides that any transaction which is an outcome of any undue misrepresentation, coercion or fraud shall be voidable. If, however, a document is prima facie valid, a presumption arises in regard to its genuineness."

Since, it is proved that the Plaintiff was in possession of the suit land and entitled to get protection of possession and perpetual injunction can be granted to him. As the plaintiff could prove his possession when he filed the present suit, it can be said that the Defendants/Respondents have dispossessed the Appellant/ Plaintiff on 10.08.2014. Thus, on the said facts and evidences as discussed above it is proved that the Appellant/Plaintiff has right, title and interest upon the suit land. This Issue is decided in favour of the Appellant/Plaintiff."

Referring the same, Learned Senior Counsel submitted that as Learned First Appellate Court already addressed the issue regarding application of Order VII Rule 3 of CPC at the time of delivery of judgment, so, no further substantial question of law on the same point is required to be decided in this case and asked for dismissal of

this appeal upholding the judgment of the Learned First Appellate Court.

7. Now, for the sake of convenience, I would like to refer herein below the relevant provision of Order VII Rule 3 of CPC which provides as under:

"3. Where the subject-matter of the suit is immovable property.- Where the subject-matter of the suit is immovable property, the plaint shall contain a description of the property sufficient to identify it, and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers."

From the above provision, it appears that where the subject matter of the suit is immovable property, in that case, the plaint shall contain a description of the property sufficient to identify and in such case property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers. Meaning thereby, on the basis of boundary or survey plot numbers, description of property can be given in the plaint.

Here in the case at hand based upon Exbt.-2 i.e. the mutated Khatian standing in the name of respondent-plaintiff for land measuring 0.72 acres was reflected in the schedule of the plaint which comprises of land measuring 0.19 acres against old CS plot No.132 corresponding to RS plot No.198 classified as nal, land measuring 0.22 acres against old CS plot No.133 corresponding to RS plot No.199 classified as viti(nal), land measuring 0.31 acres against old CS plot No.134p corresponding to RS plot No.200 classified as chara(nal), and considering the provision of Order VII Rule 3 of CPC, Learned First Appellate Court came to the observation that the

respondent-plaintiff has/had a better title than the present appellant-defendants of the instant appeal.

8. In this regard, Hon'ble Gauhati High Court in **Monoranjan Dutta Vs. Narayan Dhar** reported in **2006 SSC OnLine Gau 221** wherein in para No.14 observed as under:

"14. A reading of Order VII, Rule 3 (as amended by High Court), it is clear that where the subject matter of the suit is immovable property, although, it is provided that the plaint shall contain a description of the, property. The basic requirement of the rule is that the plaint shall contain the description of the suit property, which is sufficient to identify it by giving the description and in that event, it may not be necessary in all cases for providing a boundary or numbers in a record of settlement or survey, which is left to the option of the party. The said amendment provides that in case any area is mentioned, such description shall further state the area according to the notation used in the record of settlement or survey with or without, at the option of the party. Thus, Order VII, Rule 3 as amended by the High Court the option is left with the party whether such description is to be provided or not. The rule also does not provide the consequence of such omission and in terms of the decision in **Pratibha Singh** (supra) the decree, even if it lacks description of the decretal property, the said defect can be cured at the executing stage by filing necessary application. Thus, it is abundantly clear that for failure on the part of omission to give a description of the suit property by giving boundaries etc. in the plaint is not fatal that can be cured at a later stage. Thus providing those descriptions are only optional to the plaintiff and not obligatory one."

Similarly, in another case in **Pratibha Singh and another Vs. Shanti Devi Prasad and another** reported in **(2003) 2 SSC 330** wherein in para No.17, Hon'ble the Supreme Court of India observed as under:

"17. When the suit as to immovable property has been decreed and the property is not definitely identified, the defect in the court record caused by overlooking of provisions contained in Order 7 Rule 3 and Order 20 Rule 3 CPC is capable of being cured. After all a successful plaintiff should not be deprived of the fruits of decree. Resort can be had to Section 152 or Section 47 CPC depending on the facts and circumstances of each case – which of the two provisions would be more appropriate, just and convenient to invoke. Being an inadvertent error, not affecting the merits of the case, it may be corrected under Section 152 CPC by the court which passed the decree by supplying the omission. Alternatively, the

exact description of decretal property may be ascertained by the executing court as a question relating to execution, discharge or satisfaction of decree within the meaning of Section 47 CPC. A decree of a competent court should not, as far as practicable, be allowed to be defeated on account of an accidental slip or omission. In the facts and circumstances of the present case, we think it would be more appropriate to invoke Section 47 CPC."

From the aforesaid citations, it appears that even if the boundary description is not given, still there is scope for correction of the same and furthermore, it is the choice of the respondent-plaintiff to give proper description of the suit property by way of description which is optional and not obligatory.

Here in the case at hand, it appears that the respondent-plaintiff after purchase of the suit land by Exbt.-1 applied for mutation of the same and accordingly, mutation Case vide MR 18/88, MR No.20110013 was registered and the same was allowed/recorded in the name of the respondent-plaintiff without any adverse entry in the column of possession. Meaning thereby, when the land was mutated, that time, definitely the respondent-plaintiff was in possession of the suit land otherwise how the revenue authority allowed mutation of the purchased land in favour of the respondent-plaintiff. Furthermore, the appellant-defendants challenging that mutation proceeding did not seek any redress to any forum and there is no evidence in this regard like that.

9. More so, the appellant-defendants in support of their contention relied upon the enquiry report submitted by one revenue officer which was marked as Exbt.-D/4 and from the said report, it appears that the appellant-defendant No.1 was possessing land measuring 0.09 acres under CS plot No.198/P, and 0.10 acres under

CS plot No.199/P which prima facie does not attract the suit land and furthermore, in support of their right, title, interest, the appellant-defendants could not produce and prove any documentary evidence on record in support of their possession over the suit land save and except the enquiry report.

10. It was also the case of the appellant-defendants that they have acquired the right of adverse possession over the suit land. In this regard, I would like to refer herein below a recent citation of Hon'ble Supreme Court of India reported in **(2024) 5 SSC 282 [titled as Vasantha(dead) through Legal Representative Vs. Rajalakshmi alias Rajam (Dead) through Legal Representatives]** wherein in para No.40, Hon'ble the Apex Court observed as under:

"40. In Saroop Singh v. Banto:(2005) 8 SCC 330 (two-Judge Bench), this Court observed that Article 65 states that the starting point of limitation does not commence from the date when the right of ownership arises to the plaintiff but commences from the date the defendant's possession becomes adverse. Further relying on Karnataka Wakf Board v. Union of India:(2004) 10 SCC 779 (two-Judge Bench), it observed that the physical fact of exclusive possession and the *animus possidendi* to hold as owner in exclusion to the actual owner are the most important factors that are to be accounted in cases related to adverse possession. Plea of adverse possession is not a pure question of law but a blend of fact and law. Therefore, a person who claims adverse possession should show:

- (a)on what date he came into possession;**
- (b)what was the nature of his possession;**
- (c)whether the factum of possession was known to the other party;**
- (d)how long his possession has continued;**
- and**
- (e)his possession was open and undisturbed.**

A person pleading adverse possession has no equities in his favour. Since he is trying to defeat the rights of the true owner, it is for him to clearly plead and establish all facts necessary to prove his adverse possession."

From the aforesaid observation, it appears that to establish the claim of adverse possession a person is to prove-

- a) when he came into the possession?
- b) what was the nature of his possession?
- c) Whether the factum of possession was known to the other party?
- d) And finally he is to admit the ownership of the true owner.

Here in the case at hand, it is the admitted position that Dhani Singha was the original owner of the suit land who through his constituted attorney transferred the suit land in favour of the respondent-plaintiff. But in this case, the appellant-defendants everywhere denied the ownership of the true owner Dhani Singha over the suit land. Even they also failed to satisfy the Court by adducing cogent evidence on record regarding the aforesaid ingredients in support of their claim of adverse possession.

Thus, it appears that the appellant-defendants have failed to show any satisfactory grounds before this Court at the time of hearing to interfere with the judgment delivered by the Learned First Appellate Court reversing the judgment of the Learned Trial Court.

11. The substantial question of law is answered accordingly against the appellant-defendants.

12. In the result, the appeal filed by the appellant-defendants fails and accordingly, the same stands dismissed on contest with costs. The judgment dated 09.08.2024 and decree dated 13.08.2024 delivered by Learned Additional District Judge, Dhalai District,

Kamalpur in connection with T.A. No.1 of 2019 reversing the judgment dated 04.12.2018 and decree dated 13.12.2018 in connection with T.S. No.4 of 2014 delivered by Learned Trial Court below is hereby upheld and the same is accordingly stands affirmed.

With this observation, this present appeal stands disposed of.

Prepare decree accordingly.

Send down the records of the Learned Courts below along with a copy of this judgment and Order.

Pending applications(s), if any, also stands disposed of.

JUDGE



सत्यमेव जयते