

ଖତିୟାନ

ମୌଜା : ମାଣିଖପୁ ମୁନିଟ ନଂ:23

ଥାନା : ବାଲେଶ୍ୱର ଟାଉନ

ଥାନା ନମ୍ବର : 23

ତହସିଲ : ବାଲେଶ୍ୱର

ତହସିଲ ନମ୍ବର : 318

ଜିଲ୍ଲା : ବାଲେଶ୍ୱର

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତ୍ର ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡିଶା ସରକାର ଖେତ୍ର ନମ୍ବର				
1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		806/950				
2) ପ୍ରଜାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		କୁନ୍ତଳା କୁମାରୀ ସାବତ ଓମେନ୍ କଲେଜ ମାର୍ଚ୍ଚିତ ପ୍ରିନ୍ସିପାଲ ଝାନ୍ସି ଜେନା ବା: ମାଣିଖପୁ, ଥାନା ଟାଉନ				
3) ସ୍ୱତ୍ୱ	ତାହନା					
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେୟ	ନିସ୍ତାର ସେୟ ଓ ଅନ୍ୟାନ୍ୟ ସେୟ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
		11.00			11.00	
6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ		ଦାଖଲ ଖାରଜ କେଶ ନଂ 2401/2025 ହୁକୁମ ମୁତାବକ ପ୍ଲଟ ନଂ 1235/2518 ରକବା ଏ 0.1200 ଡି କୁ ଜମା ଟ 11.00 ପୁରାତନ ଖାତା ନଂ 806/902 ରୁ				
BLANK SPACE FOR STAMPING						
ଅନ୍ତିମ ପ୍ରକାଶନ ତାରିଖ -						
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ -						

ଖତିୟାନର କ୍ରମିକ ନଂ : 806/950		ମୌଜା : ମାଣିଖପୁ ମୁନିଟ ନଂ:23			ଜିଲ୍ଲା : ବାଲେଶ୍ୱର	
ପ୍ଲଟ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପ୍ଲଟର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମାନ୍ଦବ୍ୟ
			ଏ.	ଡି.	ହେକ୍ଟର	
7	8	9	10	11	12	
1235/2518 ମାଣିଖପୁ	ଘରବାରି ଦୁଇ	ଘର ଓ ବାରି	0	1200	0.0486	
1 plot			0	1200	0.0486	

11

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corrected in favour of defendant No.12. Further the plaintiffs and defendant Nos.1 to 9 are restrained by way of permanent injunction not to interfere in the peaceful possession of defendant Nos.10 to 12

The Judgment is pronounced in the open Court with my signature and seal of the Court on this the 18th day of October, 2014 being transcribed to my dictation and corrected by me.

ADDL. Civil Judge (Sr. Division)
Balasore

List of witnesses examined on behalf of the plaintiffs

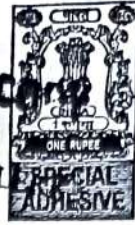
PW 1	:	Amulya Nath Padhi
PW 2	:	Bachu Madhab Prasad

List of witnesses examined on behalf of defendant Nos.10 to 12

DW 1	:	Lachhman Patra
DW 2	:	Antaryami Behera

List of documents admitted on behalf of the plaintiffs

Ext.1	:	Notice u/S.80 CPC
Ext.2	:	Postal receipt
Ext.2/a	:	Postal A.D.
Ext.3	:	Certified copy of CS ROR, Khata No.261.
Ext.4	:	Certified copy of MS ROR Khata No.648.
Ext.5	:	Letter No.2307, dt.05.04.10.
Ext.6	:	Letter No.169, dt.19.03.10.
Ext.7	:	Information under RTI Act.
Ext.8	:	RSD No.938, dt.24.2.1999.
Ext.9	:	RSD No.966, dt.26.2.1999.
Ext.10	:	MS Village map.
Ext.8/a	:	Signature of PW 2 on Ext.8.
Ext.8/b	:	Signature of Sarat Chandra Padhi
Ext.9/a	:	Signature of Hemalata Padhi
Ext.9/b	:	Signature of Amarnath Padhi
Ext.9/c	:	Signature of Amulyanath Padhi
Ext.11	:	Authenticated copy of CS ROR No.179, mz:Suelpur
Ext.12	:	Authenticated copy of CS ROR No.261, mz:Manikhamb
Ext.13	:	Certified copy of MS ROR No.623.
Ext.14	:	Certified copy of plot index.



and more particularly the KKS Womens' college has right, title, interest over the said acquired land by the government, son the plaintiffs as well as defendant Nos.1 to 9 are required to be restrained permanently to interfere in the peaceful possession of defendant Nos.10 to 12. Accordingly, issue No.13 is answered in favour of defendant Nos.10 to 12.

Issue Nos.1,2,8,9 & 14:-

13. From the discussion made with regard to other issues, it is clear that there was no cause of action to file the suit and as such the suit is also not maintainable in the present form. But with regard to the counter claim, the same is maintainable as defendant Nos.10 to 12 have filed the cause of action as described above. But in view of the discussion made above, no other relief is required to be given to defendant Nos.10 to 12. Accordingly, issue Nos.1 & 2 are answered against the plaintiff. With regard to issue Nos.8 & 9, the same are answered in favour of defendant Nos.10 to 12. But the neither the plaintiffs nor the defendants are entitled to get any other relief. Hence. order.

O R D E R

The suit is dismissed on contest against defendant Nos.10 to 12 and exparte against rest of the defendants, but without costs. At the same time the counter claim is allowed on contest against the plaintiffs. It is hereby declared that defendant No.12 have got, right, title, interest over the land which has been acquired by deft. No.10 in view of LA case No. 9/79 and 10/79 i.e. in CS Khata No.261, plot No. 1071 comprising an area of Ac0.02 decs., in CS plot No.1072 comprising an area of Ac0.20 decs., in mouza Manikhamb and also in MS Khata No.179, plot No.204 comprising an area of Ac0.44 decs. and plot no.204/1135 comprising an area of Ac0.04 decs. in mouza Suelpur. Accordingly, recording of MS ROR in the name of plaintiffs as well as defendant Nos.1 to 9 is treated as wrong one and the same may be

- 6(e) Sri Diptikanta Parhi, aged 48 years.
S/O: Late Ratikanta Parhi.
7. Sri Kaminikanta Parhi, aged 74 years.
S/O: Late Radhakanta Parhi
8. Sri Amalakanta Parhi, aged 74 years
9. Sri Bimalakanta Parhi, aged 58 years.
Both are sons of Late Muktikanta Parhi,
All are of vill/PO: Iram, PS: Basudevpur,
Dist: Bhadrak

10. State of Orissa, represented by
The Collector, Balasore, PS: Balasore Town,
At/PO/Dist: Balasore.
11. The Secretary, Higher Education Orissa,
Secretariat, At/PO/PS: Bhubaneswar, Dist: Khurda.
12. The Principal,
Kuntala Kumari Sabat Womens' College,
At: Manikhamb, PO: Motiganj, PS: Town, Dist:
Balasore.

..... Defendants

For the plaintiff : Sj. R.K. Behera, Advocate

For deft. Nos. 10 to 12: Sj. H.H. Dash, AGP

Date of Argument : 13.10.2014

Date of Judgment : 18.10.2014

JUDGMENT

This is a suit for partition, declaration of right, title, interest of the plaintiffs over the suit land along with prayer for permanent injunction.

2. The case of the plaintiff, in nutshell, is as follows:-

It reveals from the plaint story that as per the KA schedule genealogy, the plaintiffs and defendant Nos. 1 to 9 belong to common ancestor through two brothers namely Shyama charan Padhi, and Nilamadhab Padhi.

Actually Shyama charan Padhi is having three sons namely Mathura mohan, Jagamohan and Brajamohan. Through Mathura mohan, Radhanath and Ajodhyanath succeeded the property.

IN THE COURT OF ADDL. CIVIL JUDGE (SENIOR DIVISION),
BALASORE

Present : Shri Rajesh Dash, LL.M.,
Addl. Civil Judge (Sr. Division),
Balasore

Dated this the 18th day of October, 2014

CIVIL SUIT NO.106/1999-I

1. Sri Sarat Chandra Parhi, aged 71 years.
S/O: Late Ramesh Chandra Parhi.
2. Smt. Hemalata Parhi, aged 71 years.
W/O: Late Anirudha Parhi.
3. Sri Amarnath Parhi, aged 55 years.
4. Sri Amulyanath Parhi, aged 53 years.
Both plaintiff Nos.3 & 4 are sons of
Late Anirudha Parhi.
All are of vill/PO: Iram, PS: Basudevpur,
Dist: Balasore.
5. Sri Bachu Madhav Prasad,
S/O: Late Bachu Shiva Prasad,
At: Damodarpur, PO: Motiganj,
PS: Town, Dist: Balasore.

.....Plaintiffs

(Versus)

1. Smt. Tilottama Parhi, aged 71 years.
W/O: Late Rajendra Parhi.
2. Smt. Rasmirekha Parhi, aged 34 years.
W/O: Late Ramanath Parhi.
3. Sri Priyadarsi Parhi, aged 19 years.
S/O: Late Ramanath Parhi.
4. Sri Premanath Parhi, aged 40 years.
5. Sri Sunil Ranjan Parhi, aged 34 years.
Both are sons of Late Rajendra Parhi.
All the defendants are of vill/PO: Iram,
PS: Basudevpur, Dist: Bhadrak.
6. Sri Ratikanta Parhi, aged 82 years (dead)
 - 6(a) Sri Suryakanta Parhi, aged 60 years.
 - 6(b) Arati Parhi, aged 57 years.
W/O: Late Chandrakanta Parhi.
 - 6(c) Sri Nishikanta Parhi, aged 54 years.
 - 6(d) Sri Chhayakanta Parhi, aged 52 years.