

**HIGH COURT OF TRIPURA
AGARTALA**

RSA NO.30 of 2022

Sri Hiralal Acharjee, aged 75 years,
Son of Late Krishna Prasanna Acharjee;

Legal heirs of deceased Sudhir Chandra Acharjee:

- 2(a) Sri Gobinda Acharjee, aged 65 years,
Son of Late Sudhir Chandra Acharjee;
- 2(b) Smt. Prabhabati Acharjee, aged 55 years,
Daughter of Late Sudhir Chandra Acharjee;

**Legal heirs of deceased Laxmi Kanta Acharjee,
son of deceased Sudhir Chandra Acharjee:**

- 2(c)(i) Smt. Rekha Acharjee, aged 54 years,
Wife of Late Laxmi Kanta Acharjee;
- 2(c)(ii) Sri. Litan Acharjee, aged 36 years,
Son of Late Laxmi Kanta Acharjee;
- 2(c)(iii) Sri. Mitran Acharjee, aged 33 years,
Son of Late Laxmi Kanta Acharjee;
- 2(c)(iv) Sri. Janardhan Acharjee, aged 29 years,
Son of late Laxmi kanta Acharjee;
- 2(c)(v) Sri. Basudev Acharjee, aged 27 years,
Son of Late Laxmi Kanta Acharjee;
- All resident of village Murapara, Sastri Colony
(Bashkhet, PS & PO: Kakraban, District: Gomati,
Tripura)

..... Plaintiffs-Appellants

VERSUS

As per the Court's order dated 09.09.2022 passed in
connected I.A. No.01 of 2022, necessary correction has
been made as follows:-

- 1. Smt. Alo Rani Debnath,
Wife of Late Manoranjan Debnath;
- 2. Sri. Biswajit Debnath,
Son of Late Manoranjan Debnath;
- 3. Sri. Abhijit Debnath,
Son of Late Manoranjan Debnath;

- All are resident of village Murapara, Sastri Colony (Bashkhet), PS & PO: Kakraban, District: Gomati, Tripura.

.....Defendants-Respondents

- 4. The State of Tripura,
Represented by the District Magistrate & Collector,
Gomati District, Udaipur, Tripura,
- 5. The Sub-Divisional Magistrate,
Udaipur Sub-Division, PO: Radhakishorepur,
District: Gomati, Tripura

.....Proforma-Defendants-Respondents

For Appellant(s)	:	Mr. D.K. Daschoudhury, Adv.
For Respondent(s)	:	Mr. S. Bhattacharjee, Adv.
Date of Hearing	:	21.03.2024
Date of delivery of Judgment and Order	:	04.04.2024
Whether fit for Reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This appeal is preferred under Section 100 of CPC challenging the judgment and decree dated 17.03.2022 and 31.03.2022 respectively delivered by Learned Additional District Judge, Gomati District, Udaipur in connection with case No.T.A.05 of 2017. By the said judgment, Learned First Appellate Court was pleased to modify the judgment and decree dated 28.02.2017 and 10.03.2017 respectively delivered by Learned Civil Judge, Senior Division, Gomati District, Udaipur in T.S.30 of 2016.

02. Heard Learned Counsel, Mr. D.K. Das Choudhury, representing the appellant-plaintiffs and also heard Learned

Counsel, Mr. Suman Bhattacharjee, representing the respondent-defendants. For convenience, it would be apposite to refer the subject matter of dispute amongst the parties.

03. The appellant-plaintiffs filed the suit for declaration of title, recovery of possession and for perpetual injunction against the respondent-defendants. The gist of the case filed by the appellant-plaintiffs was in short is that the suit land was originally government khas land and considering the possession of plaintiff No.1 and predecessor of the other appellant-plaintiffs namely, Sudhir Chandra Acharjee(since dead), the suit land was allotted in their name in equal share and accordingly, Khatian No.1054, Hal Plot No.1254 for land measuring 0.96 acres was recorded in the name of plaintiff No.1 and the predecessor of other plaintiffs in equal share and the said Khatian was finally published on 30.07.1987. Sudhir Chandra Acharjee, the predecessor of the other appellant-plaintiffs expired on 08.08.1992 and since then the appellant-plaintiff No.1 and other plaintiffs have been possessing the same and the said land is described in Schedule A of the plaint. On 20.12.2012 the respondent-defendants dispossessed the appellant-plaintiffs from the land as mentioned in Schedule C of the plaint measuring 8 gandas i.e. 0.16 acres of land and on repeated request of the appellant-plaintiffs, the defendants

failed to hand over possession of the C Schedule land to the appellant-plaintiffs and on 18.05.2016 the respondent-defendants also tried to forcefully dispossess the appellant-plaintiffs from the land as mentioned in Schedule B of the plaint but failed due to timely resistance caused by the appellant-plaintiffs and their men. But they left with threatening to the appellant-plaintiffs to occupy the said land very shortly. Further, according to the appellant-plaintiffs, the allotment order of the allottee Khatian was under the possession of deceased Sudhir Chandra Acharjee, the predecessor of the other plaintiffs. On his death, they could not trace out the same and accordingly, they approached to the office of the SDM, Udaipur to obtain duplicate copy of the Khatian and allotment order. But the documents could not be procured as the office staff replied that those were very old documents, could not be traceable.

04. The respondent-defendants contested the suit by filing written statement. Rather they took the plea that the suit land was originally Government Khas Land and one Chandrabhan Bibi was the unlawful possessor of the said land and in the year 1965-1966 said Chandrabhan Bibi left the said land and since then Manoranjan Debnath (since dead) and his wife Alu Rani Debnath have/had been possessing the same but the appellant-plaintiff No.1 and deceased Sudhir Ch. Acharjee in connivance with the survey

staff managed to get allotment of the same in their favour without any possession. But due to ignorance of law, said Manoranjan Debnath could not take any step regarding correction of record which was illegally created in the name of appellant-plaintiff No.1 and Sudhir Chandra Acharjee and was finally published on 30.07.1987. It was further submitted that since the time of said Manoranjan Debnath, the respondent-defendants have been possessing the suit land by constructing their dwelling house and also by planting various trees within the knowledge of the appellants and the adjacent persons of that locality. It was further submitted that the fact of their possession was within the knowledge of the Government Officials and the Government Officials also asked and directed to the predecessor of the appellants to vacate the same but he refused. Thus, they acquired right, title and interest over the same and in the middle part of 2015, the appellant-plaintiffs threatened the respondent-defendants to dispossess them from the suit land (0.16 acres) of plot No.1245 when the answering defendants for the first time could know the said fact. It was further asserted that the respondent-defendants have acquired right of adverse possession over the suit land denying the right, title and interest of the Government. So, the respondent-defendants prayed for dismissal of the suit with costs.

05. Upon the pleadings of the parties, Learned Court below framed the following issues:

(i) Whether the suit is maintainable?

(ii) Whether there is any cause of action for filing this suit?

(iii) Whether the plaintiffs are owners of the suit land described in Schedule A of the plaint by way of allotment?

(iv) Whether the allotment order was obtained illegally?

(v) Whether the defendant No.1 to 3 are in adverse possession (since 1965-1966) and acquired title over Schedule C land of plaint by way of adverse possession?

(vi) Whether the plaintiffs are entitled to the relief as prayed for and/or any other relief or reliefs in this suit?

06. To substantiate the issues both the parties have adduced oral/documentary evidence on record:

APPENDIX

(A) Plaintiff's Witnesses:-

PW.:- Sri Hiralal Acharjee.

(B) Plaintiffs' Exhibits:-

Ext.-1:- The RS Khatian No.1054.

Ext.-2:- The certified copy of RS Khatian No.1054.

Ext.-3:- The RS Map.

(C) Defendants' Witnesses:-

DW.-1 Smt. Laxmi Lindu.

DW.-2 Sri Santi Bhusan Das.

DW.-3 Smt. Rekha Rani Ghosh.

DW.-3A Sri Biswajit Debnath.

DW.-4 Sri Manik Das.

DW.-5 Sri Anil Ch. Debnath.

DW.-6 Sri Prafulla Kr. Debnath.

(D) Defendant's Exhibits:-

Ext.A- The certified copy of sale No.1-3177.

Ext.B- The certificate of possession.

Ext.C- The old Khatian No.1/60.

Ext.D- The Khatian No.425.

Ext.E- The Khatian No.644.

Ext.F- The certified copy of RS Map.

Ext.G- The certified copy of Map.

07. Finally on conclusion of trial and after hearing of arguments, Learned Trial Court below decreed the suit in favour of the appellant-plaintiffs. For the sake of convenience, the operative portion of the order dated 28.02.2017 passed by Learned Civil Judge, Senior Division, Gomati District, Udaipur, Tripura in case No. T.S. 30 of 2016 runs as follows:

"In the result, the suit of the plaintiffs is decreed on contest with cost with a declaration that the plaintiffs have allottee right, title and interest over A schedule land of plaint. It also declared that the plaintiffs are entitled to get a decree of confirmation of possession over B schedule land of plaint. It is also declared that the plaintiffs are entitled to get vacant possession of the C schedule land of plaint by evicting the defendants. It is further declared that the plaintiffs are entitled to a decree of perpetual injunction against the defendants restraining the defendants and their men, agent, servant and workmen from entering into B schedule land of plaint and not to disturb the peaceful possession of the plaintiffs over B schedule land of plaint.

Accordingly, the possession of the plaintiffs over B schedule of plaint is confirmed. The defendants are directed to deliver and handover vacant possession of the C schedule land of plaint to the plaintiffs within 30 days from today. The defendants and their men, agent, workmen and servant are directed and restrained not to enter and disturb the peaceful possession of the plaintiffs over B schedule land of plaint.

The decree is conditional one and the plaintiffs have to make valuation of the suit land and pay deficient court fees on the value of the suit land as per Clause (iv) & (v) of Section 7 of the Court Fees Act as discussed above before the executing court to execute the decree as per law.

Accordingly, irrespective of payment of court fees by the plaintiffs, the defendants are directed to handover the vacant possession of the suit land to the plaintiffs within 30(thirty) days from today.

Prepare decree accordingly and put up before me for signature within 15 (fifteen) days from today, latest on 15.03.2017.

The case is disposed of on contest.

Make necessary entry in the relevant trial register.

The record shall be consigned to the record room after expiry of appeal period in due compliance."

08. Challenging that judgment dated 28.02.2017, the defendants of the main suit as appellants have preferred an appeal before the Court of Learned District Judge under Section 96 of CPC and the Learned Additional District Judge on receipt of record on transfer, after hearing both the sides partly allowed the appeal modifying the judgment of the Learned Trial Court. The operative portion of the order/judgment dated 17.03.2022 passed by Learned Additional District Judge, Gomati District, Udaipur in Title Appeal No.05 of 2017 runs as follows:

"In view of the aforesaid discussions, this Court finds that the learned trial Court was in error and guided by some misconception of law and thereby decreed the suit of the plaintiffs i.e. the present respondents-plaintiffs vide decree dated 10.03.2017 in TS 30 of 2016 over the "Schedule C" land. Accordingly the judgment and decree dated 10.03.2017 passed by the learned Civil Judge(Sr. Divn.), Gomati District, Udaipur in TS 30 of 2016 is hereby modified in respect of "Schedule C" land only being devoid of merits. Thus the appeal is hereby partly allowed.

Parties are directed to bear their own costs.

Thus the appeal is hereby disposed of on contest.

Prepare decree accordingly."

09. Being dissatisfied and aggrieved with the judgment of the Learned First Appellate Court, the plaintiffs as appellants have preferred this Second Appeal under Section 100 of CPC before the High Court. At the time of admission of appeal by order dated 30.06.2022, the following substantial questions of law were formulated:

"(i) Whether fact of grant of allotment incorporated in the records of right i.e., Khatian during two successive settlement operation can be relied on to establish the right, title and interest of the allottees on the allotted land when the records of allotment is not traceable in the office of the Collector?

(ii) Whether right of allottees in a portion of a plot of land is accepted as allotted land, if the remaining portion of same plot can be kept outside the said grant of allotment?"

10. At the time of hearing of arguments, Learned Counsel Mr. D.K. Das Choudhury appearing for the appellant-plaintiffs fairly submitted that the appellant-plaintiffs have got valid right, title and interest over the suit land as mentioned in the Schedule of the plaint and during first survey and settlement operation, the entire land as mentioned in Schedule A of the plaint was allotted in the name of Hiralal Acharjee and his deceased brother Sudhir Chandra Acharjee. And accordingly, ROR was prepared in their name in relevant Khatian and during resurvey and settlement operation, again the entire land was recorded in

the name of Hiralal Acharjee and Sudhir Chandra Acharjee and all along they possessed the suit land without any objection or obstruction from any corner. Had the respondent-defendants be in possession of the suit land, in that case they could approach to the Settlement Authority or to the appropriate forum during survey operation for correction of records.

11. More so, according to Learned Counsel for the appellant-plaintiffs, that the appellant-plaintiffs could not produce the original allotment order cannot be a sole ground for not awarding the relief to be granted in their favour. Rather, Learned Counsel for the appellants further submitted that in para 8 and 9 of the plaint, it was specifically asserted that the original allotment order was in the name of the Hiralal Acharjee, one of the appellant-plaintiffs and his deceased brother could not be procured/collected and on approach to the office of SDM, Udaipur, the same also could not be collected. So, for non production of the allotment order, there is no scope to disbelieve the case of the appellant-plaintiffs. Learned Counsel for the appellant-plaintiffs further submitted that Learned Trial Court after considering the oral/documentary evidence on record and also after considering the facts and circumstances of the case decreed the suit in favour of the appellant-plaintiffs but the Learned First Appellate Court ignoring the legal position,

just on the basis of non-production of allotment order by the appellant-plaintiffs reversed the decree in favour of the appellant-plaintiffs in respect of land as mentioned in Schedule 'C' and urged for affirming the decree passed by Learned Trial Court by setting aside the judgment passed by Learned First Appellate Court. Learned Counsel also referred the relevant provision of Section 43(3) of TLR and LR Act and also referred the provision of Section 45 of TLR and LR Act and submitted that two settlement operations were held but neither the present respondent-defendants or their predecessor did challenge the creation of Khatian in the name of the appellant-plaintiffs which shows that the appellant-plaintiffs have got valid right, title and interest over the entire A Schedule land. So, Learned Counsel prayed for allowing the appeal.

12. On the contrary, Learned Counsel Mr. Suman Bhattcharjee appearing for the respondent-defendants submitted that although the Trial Court decreed the suit in favour of the present appellant-plaintiffs ignoring the factual and legal aspects, but the Learned First Appellate Court rightly and reasonably delivered the judgment and Learned Counsel further submitted that the appellant-plaintiffs to substantiate their right, title and interest could not adduce any valid documentary evidence on record. And furthermore, according to Learned Counsel for the respondent-defendants,

Khatian does not confer any title over any land, it is only for the purpose of collection of land revenue and only for the fiscal purpose. So, Learned First Appellate Court considering the facts and circumstances, rightly modified the judgment delivered by the Learned Trial Court and prayed for setting aside this present appeal by affirming the judgment of the Learned First Appellate Court. Learned Counsel for the respondent-defendants also referred some citations in support of his defence.

13. Admittedly, in this case, the appellant-plaintiffs could not produce and prove the allotment order, on the basis of which the total land measuring 0.96 acres was allotted in favour of Hiralal Acharjee and his brother Sudhir Chandra Acharjee (since dead). In Second Appeal there is no legal scope to re-assess/re-appreciate the evidence on record. I have gone through the records of the Learned Courts below. It is on record that during first settlement operation, the suit land, i.e. the entire land measuring 0.96 acres was recorded in the name of Hiralal Acharjee and his deceased brother and also during re-survey operation also the suit land was recorded in the name of Hiralal Acharjee and his deceased brother. In the relevant column of possession, there is no any adverse entry regarding possession of the respondent-defendants or Chandrabhan Bibi as alleged. During survey operation, also after going

through the different stages, record of rights is prepared in the name of any person. In this regard, I would like to refer the relevant provision of Section 43(3) of TLR and LR Act:

"43(3). Every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct."

Here in this case there is no any contrary evidence on record against the finally published ROR.

14. Further, I would like to refer herein below the relevant provision of Section 45 of TLR and LR Act which runs as follows:

"45. Revision of entries in finally published record of rights.- Any revenue officer specially empowered by the State Government may, on application made to him in this behalf or on his own motion, within one year from the date of final publication of the record of rights, correct any entry in such record which he is satisfied has been made owing to a *bona fide* mistake:

Provided that no such entry shall be corrected without giving the persons interested an opportunity of being heard."

From the aforesaid provision, it also appears that any person shall have the scope to challenge the ROR within one year from the date of publication of the ROR.

15. Here in the given case, there is no such evidence on record that either the predecessor of the respondent-defendants or the present respondent-respondents did take any effort to challenge the ROR standing in the name of Hiralal Acharjee and his deceased brother.

16. In **Suraj Bhan & Ors. vs. Financial Commissioner & Ors.** dated 16.04.2007 reported in **(2007) Legal Eagle (SC) 451** Hon'ble the Apex Court in para No.8 observed as under:

"8. So far as mutation is concerned, it clear that entry has been made and mutation has been effected in Revenue Records by Tehsildar on the basis of an application made by respondent No.5 herein and his name has been entered in Record of Rights on the basis of the Will said to have been executed by Ratni Devi. In our opinion, therefore, it cannot be said that by entering the name of respondent No.5 in Revenue Records, the appellants but the Tehsildar had taken the action on the basis of Will said to have been executed by deceased Ratni Devi in favour of respondent No.5. The said order has been confirmed by the Collector as also by Financial Commissioner. When the grievance was made against the said action by filing a Writ Petition, the High Court also confirmed all the orders passed by Revenue Authorities under the Act. We see no infirmity so far as that part of the order is concerned."

17. Referring the same, Learned Counsel for the respondent-defendants submitted that ROR does not confer any title rather it is used only for fiscal purpose i.e. payment of land revenue and no ownership is conferred.

18. In **Tripura Co-operative Milk Producer Union Limited vs. Madhura Manjuri Singh Deo alias Manika Rana & Ors.** dated 03.03.2020 reported in **(2020) Legal Eagle (TRI) 193** wherein in para 17 Hon'ble this High Court observed as under:

"17. In our opinion, instead of interfering with the revision order, the parties ought to have been left to the remedies before civil court to establish

rights and titles. If the original petitioners wanted a declaration of ownership or desired that the Milk Producer Union should vacate the land which according to them the Union was occupying without authority of law, they had to institute and should be left to institute civil proceedings before the competent court. Minute examination and interference with the revisional order in a writ jurisdiction would not be called for. As noted, the issues pertain to the entries in the revenue records which were meant only for fiscal purpose and a presumptive value of possession but not indicative of title to the land in question. The petitioners do not dispute the possession of the Milk Union over the land."

19. Referring the same, Learned Counsel for the respondent-defendant submitted that as the appellant-plaintiffs have failed to prove their right, title and interest over the suit land, so, Learned First Appellate Court rightly reversed the judgment of the Learned Trial Court.

20. In this case, the respondent-defendants to substantiate their defence could not adduce any cogent, oral/documentary evidence on record to substantiate that, their predecessors and after their predecessors, the present respondent-defendants have been lawfully possessing the suit land.

21. In course of hearing, Learned Counsel for the respondents only confined his argument to the point that as the appellant-plaintiffs have failed to prove/produce any allotment order in support of their claim, so, Learned First Appellate Court rightly delivered the judgment, reversing the judgment of the Learned Trial Court. It is the admitted

position that on the basis of allotment order, Khatians are being prepared/issued by the Revenue/Settlement Authority.

22. Learned Counsel for the appellants, at the time of hearing relied upon one citation of our High Court. In **Bipendra Behari Jamatia vs. Jagatmuni Alias Jagrumuni Jamatia and Ors.** dated 18.02.2016 reported in **(2016) 1 TLR 664**, wherein Hon'ble this High Court in para No. 17 observed as under:

"17. The plaintiffs claimed title over the suit land pursuant to allotment order. It is their case that they had lost the allotment order. No duplicate copy could be supplied by the office of the State respondent. Pro-defendant No.3, i.e. the State of Tripura in para 10 of their written statement filed in TS No.23 of 2006 stated, thus—

"10. That, in regard to the statement made in para 7, 8 and 9 of the plaint the answering pro-defendant submits that it is not possible in his part to trace out the allotment case number and year as it is a very old record and without having any reference the answering pro-defendant cannot admit or deny the same. But from the face of ORR it appears that allotment was made in favour of Bipendra Behari Jamatia for land measuring 6.0 acre. But now the defendant Nos.1 and 2 are possessing 5.60 acre of land in total and A. W Centre are in possession of 0.40 acres of land."

Similarly, the said defendant in para 10 of their written statement in TS 24 of 2006 stated thus—

"10. That, in regard to the statement made in para 7 of the plaint it is to be stated by the answering pro-defendants that it is not possible on the part of the answering pro-defendants to trace out the year of allotment without any reference. But it is fact that in the face of the ORR, it appears that allotment was made in favour of Ram Chandra Jamatia. But the possession is found in favour of defendant No.1 and one Karna Sadhan Jamatia."

In view of the above pleadings of defendant No.3 it is clear that the defendant did not deny the fact that there was an allotment in favour of the plaintiff/predecessor of the plaintiffs in the suits, respectively.

DW2 has been examined on behalf of the State of Tripura, i.e., pro-defendant No.3. In his examination-in-chief in TS No.23 of 2006 he stated in para 2, thus—

"2. That it is not possible on the part of the pro-defendant to trace out the allotment case number

and year as it is a very old record and without having any reference. But from the face of O.R.R. it is appears that allotment was made in favour of Bipendra Behari Jamatia for land measuring 6.00 acres of land. But now the defendant No.1 and 2 are possessing 5.60 acres of land in total and A.W. Centre are in possession of 0.40 acres of land."

Similarly, the same witness in his examination-in-chief in TS No.24 of 2006 in para 2 stated—

"2. That it is not possible on the part of the pro-defendant to trace out the year of allotment without any reference. But it is fact that in the face of the O.R.F. it appears that allotment was made in favour of Ram Chandra Jamatia. But the possession is found in favour of defendant No.1 and one Karna Sadhan Jamatia."

The above evidence of DW2 is consistent with the pleadings of the defendant No.3, i.e., the State of Tripura. So it is evident that defendant No.3 did not deny the fact that the suit land was allotted in the name of the plaintiff/predecessor of the plaintiffs of the respective suits."

23. Referring the above citation, Learned Counsel for the appellant-plaintiffs submitted that the facts and circumstances of that case are similar with the present case. And in that suit also the appellant-plaintiffs had lost the allotment order and this High Court ultimately affirmed the judgment.

24. Here in this case, the State of Tripura was made party but the State of Tripura did not submit any thing rebutting the claim of the appellant-plaintiffs nor filed any written statement, nor adduced any oral/documentary evidence on record to counter the claim of the appellant-plaintiffs. So, after hearing Learned Counsel of both the sides and after going through the records of the Court below, it appears that Learned First Appellate Court committed error in deciding the appeal and came to an erroneous finding with the believe that in absence of allotment order no decree can

be granted if the connected Khatians are being produced and proved by any of the parties. Because here in this case, there is no evidence on record regarding long standing possession of the respondent-defendants over any part of the suit land at any point of time, till dispossession of the appellants from C Schedule land of the plaint in the year 2016.

25. So, for non-production of allotment order by the appellant-plaintiffs, it cannot be said that the appellant-plaintiffs have failed to prove his valid right, title and interest, since the appellant-plaintiffs at the time of filing of the suit specifically asserted that the original order of allotment could not be procured by them even from the office of SDM and furthermore, challenging the suit of the appellant-plaintiffs, the State of Tripura also did not contest the same, nor filed any written statement, nor produced any oral/documentary evidence on record to counter the claim of the appellant-plaintiffs. Even the Khatian/ROR of the appellants in respect of the suit land was not challenged by the respondent-defendants. More so, on the basis of order of allotment, Khatian was prepared in the name of the appellant-plaintiffs No.1 and his deceased brother. There is no other evidence on record that the suit land was given or recorded in the name of some other persons including the respondent-defendants by the Government or any other

person excepting the appellant-plaintiffs possessed the same. Accordingly, the substantial questions of law are answered in affirmative in favour of the appellant-plaintiffs.

26. In the result, the appeal filed by the appellants is hereby allowed on contest with costs against the respondent-defendants. The judgment and decree dated 17.03.2022 and 31.03.2022 respectively delivered by Learned Additional District Judge, Gomati District, Udaipur in connection with case No.T.A.05 of 2017 is hereby set aside. And the judgment and decree dated 28.02.2017 and 10.03.2017 respectively delivered by Learned Civil Judge, Senior Division, Gomati District, Udaipur in connection with T.S.30 of 2016 is hereby affirmed and accordingly it is upheld.

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

Prepare decree accordingly and send down the LCRs along with copy of the judgment.

JUDGE

**SABYASACHI
BHATTACHARJEE**

Digitally signed by SABYASACHI
BHATTACHARJEE
Date: 2024.04.06 17:19:26 +05'30'

Purnita