

GAHC030000022014



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : RFA/1/2014

John Lalthangfala
Maubawk Kawn Veng, Aizawl

VERSUS

C Laltanpuia and 3 Ors.
Laipuitlang, Aizawl 2:The Secretary to the Govt. of Mizoram

3:The Director
Land revenue and Settlement
Govt. of Mizoram
Aizawl

4:The ASO-I
Land Revenue and Settlement Department
Govt. of Mizoram
Aizawl

Advocate for the Petitioner : Mr Anil Rinliana Malhotra
Advocate for the Respondent :

Linked Case : I.A.(Civil)/57/2021

John Lalthangfala
Maubawk Kawn Veng

VERSUS

C Laltanpuia and 3 Others

Maubawk
Kawn Veng

2:Secretary to the Govt of Mizoram
Revenue Dept
Aizawl

3:Director
Land Revenue and Settlement Dept
Aizawl

4:ASO 1
Land Revenue and Settlement Dept
Aizawl

Advocate for the Petitioner : Jonathan L Sailo
Advocate for the Respondent : Mr L H Lianhrima

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

JUDGEMENT

Date : 11-09-2024

Heard Mr. C. Lalramzauva, learned senior counsel for the appellant/defendant No. 4 assisted by Mr. Jonathan L. Sailo. Also heard Mr. L.H. Lianhrima, learned senior counsel for the respondent No. 1/plaintiff assisted by Ms. Ruth Lalruatfeli. Also heard Ms. Vanneihsiami, learned Government Advocate appearing for the respondent Nos. 2 to 4.

2. The appellant has filed the present Regular First Appeal putting to challenge the Judgment & Order dated 19.09.2023 and the Decree dated 20.09.2013 passed by the Court of the Senior Civil Judge-I, Aizawl in Declaratory Suit No. 37/2009, by which the learned Trial Court has decreed that the appellant is liable to return the loan amount of Rs. 10,000/- to the respondent No. 1 with interest @ 9% p.a, commencing from the

date of the MOU dated 15.04.2008 and on receipt of the said amount of money with interest, the respondent No. 1 is to return the following 6 (six) Land Settlement Certificate (LSCs in short) which are as follows:-

- (i) LSC No. 104903/01/1836 of 2008
- (ii) LSC No. 104903/01/1838 of 2008
- (iii) LSC No. 104903/01/1843 of 2008
- (iv) LSC No. 104903/01/1844 of 2008
- (v) LSC No. 104903/01/1846 of 2008
- (vi) LSC No. 104903/01/1847 of 2008

3. The Trial Court had also decreed the respondent No. 1 to be the legal and lawful owner of the 5 (five) LSCs, which are in the name of the wife and children of the respondent No. 1. They are as follows:-

- (i) LSC No. 104903/01/1835 of 2008
- (ii) LSC No. 104903/01/1837 of 2008
- (iii) LSC No. 104903/01/1839 of 2008
- (iv) LSC No. 104903/01/1840 of 2008
- (v) LSC No. 104903/01/1848 of 2008.

4. The case of the appellant is that the appellant was the owner of land originally covered by Periodic Patta No. 429/1976. Out of a portion of the area covered by Periodic Patta No. 429/1976, 10 House Passes were sliced out in the name of the respondent in the year 2001 by the Revenue Department, Government of Mizoram.

Though a draft agreement had been executed between the appellant and the respondent No. 1 for sale of the 10 House Passes that were issued in the year 2001 for Rs. 12 lakhs, no final sale deed was executed between the appellant and the respondent No. 1 for sale of the 10 House Passes, though the appellant took Rs. 12 lakhs from the respondent No. 1 as the sale price for the 10 House Passes issued in the year 2001. The appellant's further case is that though no final sale deed had been executed between the parties for the sale of the 10 House Passes that had been sliced out in the year 2001 from Periodic Patta No. 429/1976, the respondent No. 1 was given the original documents pertaining to Periodic Patta No. 429/1976 for the purpose of converting the 10 House Passes into Land Settlement Certificates (LSC in short).

5. By taking advantage of the fact that the appellant had given the original land documents pertaining to Periodic Patta No. 429/1976 to the respondent No. 1, the respondent No. 1 surreptitiously converted the 10 House Passes that were issued in the year 2001 into LSCs in his name, besides converting the remaining portion of the area under Periodic Patta No. 429/1976 into 5 House Passes in the year 2008, by falsely making a claim before the revenue authorities that the 5 House Passes issued in the year 2008 had been purchased by him from the appellant. Thereafter, the respondent No. 1 surreptitiously converted the 5 House Passes that were issued in the year 2008 into 5 LSCs in the name of the respondent No. 1, his wife and children.

6. The counsel for the appellant submits that the appellant is aggrieved, only with

a part of the impugned judgment and order passed by the learned Trial Court and consequently only with the part of the decree, which pertains to the declaration by the learned Trial Court that the respondent No. 1, his wife and children are the owners of the 5 house passes which were issued in the year 2008, which was subsequently converted into LSCs numbers. The said five House Passes issued in the year 2008 and the subsequent conversion of the same into LSCs is as follows:-

- (i) LSC No. 104903/01/1835 of 2008
- (ii) LSC No. 104903/01/1837 of 2008
- (iii) LSC No. 104903/01/1839 of 2008
- (iv) LSC No. 104903/01/1840 of 2008
- (v) LSC No. 104903/01/1848 of 2008

7. The counsel for the appellant submits that the impugned judgment & order and decree, insofar as the learned Trial Court had declared the respondent No. 1, his wife and children to be the legal and lawful owners of the above 5 LSCs, should be set aside.

8. Mr. L.H. Lianhrima, the learned senior counsel for the respondent No. 1, on the other hand submits that the appellant had not filed any counter claim before the learned Trial Court, claiming that he is the lawful and legal owners of the 5 House Passes that were issued in the year 2008 and which have been converted into (i) LSC No. 104903/01/1835 of 2008 (ii) LSC No. 104903/01/1837 of 2008 (iii) LSC No. 104903/01/1839 of 2008 (iv) LSC No. 104903/01/1840 of 2008 (v) LSC No. 104903/01/1848 of 2008. He further submits that the 5 House Passes that were

issued in the year 2008 and which were converted into 5 LSCs mentioned above, are not situated within the area covered by Periodic Patta No. 429/1976. He submits that the 5 House Passes that were issued in the year 2008 are located outside the area of Periodic Patta No. 429/1976. In this regard, he has relied upon the Dispute Verification Report dated 16.02.2024 made by Mr. C. Lalhmingthanga, Surveyor, LR&S, which has been exhibited as Exhibit G-1 by this Court.

9. The learned counsel for the respondent submits that the sale of the 10 House Passes that were sliced out in the year 2001 were made on the basis of Sale Deed dated 05.05.2007, which has been admitted by the appellant.

10. The learned counsel for the respondent No. 1 further submits that as per the evidence of PW-5 and PW-6, who are holding the post of Surveyor, Land Revenue & Settlement Department, Government of Mizoram, the House Passes were made in the name of the respondent No. 1 and in the name of the appellant in the home of the appellant, while both the appellant and his wife were present. Further, they were the Surveyor in charge of issuing No Objection Certificates and all other relevant documents.

11. The learned counsel for the respondents further submits that the documents of the Government which have been exhibited before the learned Trial Court shows that approval for allotment of house sites had been made in favor of the respondent No. 1 and his family members, vide letters dated 26.03.2008 and 25.08.2008 issued by the Under Secretary to the Government of Mizoram, Revenue Department and the

Directorate of Land Revenue & Settlement Department respectively. He further submits that the Dispute Verification Report dated 16.02.2024 made by C. Lalhmingthanga, Surveyor, LR&S, Aizawl clearly shows that there is no over lapping of the land covered by the 5 House Passes made in the year 2008 which was subsequently converted into LSCs and the area covered by Periodic Patta No. 429/1976. He further submits that there was no over lapping of land between the 10 House Passes that were issued in the year 2001 and the 5 House Passes that were issued in the year 2008. He accordingly submits that there being no merit in the challenge made to the impugned judgment and order and decree, the appeal should be dismissed.

12. Ms. Vanneihsiami, learned Government Advocate has produced the official records, wherein it is reflected in page 154 that during verification of the land for which the 5 House Passes had been issued in the year 2008, the respondent No. 1 had taken a stand before the Officer verification team that the respondent No. 1 had bought the said land from the appellant. She further submits that the matter can be disposed of in terms of the Dispute Verification Report made by the Surveyor on 16.02.2024, which has been exhibited in this Court.

13. I have heard the learned counsels for the parties.

14. The only issue to be decided in the present case is whether the learned Trial Court committed an any error in coming to a finding that the respondent No. 1 and his

family members were the lawful and legal owners of the 5 House Passes that were issued in the year 2008 and which was subsequently converted into (i) LSC No. 104903/01/1835 of 2008 (ii) LSC No. 104903/01/1837 of 2008 (iii) LSC No. 104903/01/1839 of 2008 (iv) LSC No. 104903/01/1840 of 2008 (v) LSC No. 104903/01/1848 of 2008.

15. The 15 House Passes issued in the years 2001 and 2008 and their subsequent conversion to Land Settlement Certificates (LSCs) alongwith the names of their owners, as reflected in the LSCs is reproduced below as follows:-

Total Land Passes : 15 Nos. The 10 House Passes issued in the year 2001 is as follows:-

1. LSC No. 1834 of 2008 (Lalkunga S/o Rangkunga) – HP No.587/01
2. LSC No. 1841 of 2008 (Thomas S/o Rangkunga) - HP No.584/01
3. LSC No. 1842 of 2008 (Lalenkawla S/o Rangkunga) - HP No.586/01
4. LSC No. 1845 of 2008 (Jerry Lalliansanga S/o Lalthangfala)- HP No.585/01
5. LSC No. 1836 of 2008 (Lalthanpari D/o Lalthangfala) - HP No.591/01
6. LSC No. 1838 of 2008 (Lalramthara S/o Lalthangfala) - HP No.521/01
7. LSC No. 1843 of 2008 (Lalthantluangi D/o Rangkunga) - HP No.590/01
8. LSC No. 1844 of 2008 (Lalthangfala S/o Rangkunga) - HP No.589/01
9. LSC No. 1846 of 2008 (Lalrinhlua S/o Lalthangfala) - HP No.588/01
10. LSC No. 1847 of 2008 (Liantawna S/o Duhawma (L) - HP No.522/01 The 5(five)

House Passes & LSCs issued in the names of the Respondent No.1, his wife and children in the year 2008 are as follows:

1. LSC No. 1837 of 2008 (C.Laltanpuia) A/o House Pass No.115/2008
2. LSC No. 1840 of 2008 (B. Vanlalhruii) A/o House Pass No.114/2008
3. LSC No. 1848 of 2008 (C.Vanlalmuana) A/o House Pass No.116/2008
4. LSC No. 1835 of 2008 (C.Lalhruaitluanga) A/o House Pass No.117/2008
5. LSC No. 1839 of 2008 (C.Lalromawii) A/o House Pass No.118/2008

16. The contents of the Order dated 28.10.2009 issued by the Assistant Settlement Officer-I, Land Revenue & Settlement Department, Government of Mizoram, wherein two Surveyors have been directed to have a spot verification of the land covered by Periodic Patta No. 429/1976 and the 15 House Passes mentioned above is reproduced below as follows:-

“ORDER

Dated Aizawl the 28th. Oct., 2009

No. R. 21011/71/2008-DC(A)/Vol-II/32: At Maubawk, Mr. Lalthangfala inherits a land from his grand-parents, their burial place bearing P.Patta No. 429 of 1976. This land was segregated into 10 different house Passes as mentioned below -

- 1. House Pass No. 521 of 2001 Area : 297.00 Sq.M.*
- 2. House Pass No. 522 of 2001 Area : 195.00 Sq.M.*
- 3. House Pass No. 584 of 2001 Area : 446.00 Sq.M.*
- 4. House Pass No. 585 of 2001 Area : 422.00 Sq.M.*

- 5. House Pass No. 586 of 2001 Area : 422.75 Sq.M*
- 6. House Pass No. 587 of 2001 Area : 544.48 Sq.M.*
- 7. House Pass No. 588 of 2001 Area : 221.38 Sq.M.*
- 8. House Pass No. 589 of 2001 Area : 319.90 Sq.M.*
- 9. House Pass No. 590 of 2001 Area : 362.44 Sq.M.*
- 10. House Pass No. 591 of 2001 Area : 382.50 Sq.M.*

5 different House Passes were made again and those are as below –

- 1. House Pass No. 114 of 2008 Area : 586.56 Sq.M.*
- 2. House Pass No. 115 of 2008 Area : 832.06 Sq.M.*
- 3. House Pass No. 116 of 2008 Area : 483.54 Sq.M.*
- 4. House Pass No. 117 of 2008 Area : 789.00 Sq.M.*
- 5. House Pass No. 118 of 2008 Area : 850.50 Sq.M.*

The dispute started as it was reported that the other 5 House Passes were issued without the consent of Mr. Lalthangfala, the owner of the land. As this is the case, Mr. R. Zarzoliana, Surveyor and Mr. Vanlalngaia, Chainman are directed to perform spot verification on 17 and 18.11.2009. This is their work description.

- 1. The total area of P.Patta No. 429 of 1976 is to be measured out first.*
- 2. The total area of 10 different House Passes made in 2001 is to be measured out too.*
- 3. The total area of 5 House Passes made in the year 2008 is to be measured.*
- 4. The area purchased by Mr. C. Laltanpuia from Mr. Lalthangfala is to be measured.*

The total area of P. Patta, 10 House Passes area along with the 5 House Passes area are to be measured out separately. A detailed reports along with the sketch maps are to be submitted. On the fixed date, Mr.

Lalthangfala and Mr. C. Laltanpuia are directed to be present with their relevant documents. The V.C.'s are also instructed to be present on this day.

*Sd/- SANGTHUAMA
Assistant Settlement Officer-I
Land Revenue & Settlement
Aizawl District: Aizawl"*

17. In pursuance to the Order dated 28.10.2009 issued by the ASO 1, Land Revenue & Settlement Department (LR&S) and in pursuance to the consent of the learned counsels for the parties, this Court, vide Order dated 23.01.2024, had directed the State Government to conduct a spot verification of the area covered by Periodic Patta No. 429/1976 and make a report as to whether the 5 house passes issued in the year 2008, were within the area covered by Periodic Patta No. 429/1976. The spot verification was to be carried out in the presence of the parties or their representatives.

18. In pursuant to the Order dated 23.01.2024, a spot verification of the lands in issue was conducted in the presence of the parties herein and a dispute verification report dated 16.02.2024 was prepared by the Surveyor, LR&S, i.e. Mr. C. Lalhmingthanga. Thereafter, the evidence of the Surveyor, Mr. C. Lalhmingthanga was recorded on 18.07.2024 under Order 41 Rule 27(2) CPC and he was cross examined by the parties. The Dispute Verification Report dated 16.02.2024 was also exhibited as Ext. G-1 during the evidence of the Surveyor.

19. The translated version of the Dispute Verification Report dated 16.02.2024 (Ext.

G-1) is reproduced below as follows:-

“Subj:- Dispute Verification Report

*Riff No:- **Memo no.C.18015/3/DS/2024-DC(REV)/8-9 Dated Aizawl the 9th Feb, 2024 RFA No. 1/2014/A/C Declaratory suit No. 37 of 2009***

Sir,

As per the aforementioned Order, I was instructed to conduct a Spot Verification on the Dispute Case between Pu Lalthangfala and Pu. C. Laltanpuia on 4-6.2.2024. The report is provided below and to make matters more apparent a map is also enclosed.

*The entire area of their land has been measured in accordance with the first instruction of the Order, and the area of **P.Patta No. 429 of 1976** was measured as well. However, the Boundary Description only recorded the P.Patta as **Reiek road, a farm belonging to Pu Kawlzingpuia of Maubawk**, hence, the precise boundary is not recorded. Additionally, since the Pass was made a long time ago, the Connected File could not be located in the Office Record. As a result, the exact boundary could not be measured and has instead been marked as Area wise. **(This is indicated on the Verification Site Plan Map)**. Furthermore, when a diversion was made on **P.Patta No.429 of 1976** with these House Passes namely, **H/P No. 584 of 2001, H/P No. 587 of 2001, H/P No. 583 of 2001, H/P No. 589 of 2001, H/P No. 591 of 2001, H/P 590 of 2001, H/P 521 of 2001, H/P No. 522 of 2001, H/P No. 586 of 2001 and H/P No. 585 of 2001** it appears that the 10 House Passes have Superceded the P.Patta and the owners had also submitted the Original Certificate of **P.Patta 429 of 1976** while the House Passes were made.*

In accordance with the second instruction of the order, the 10 House Passes made in 2001 were measured as accurately as possible, using the roadside as a common starting point for measuring of all the House Passes. However, there are

*some discrepancies between the existing road and the road during which the House Passes were made. The current road was taken as it is, measured as per the Pass Dimension by both the landowners, the Local Council and Advocate and has been marked accordingly. **(This is indicated on the Verification Site Plan Map).***

*In accordance with the third instruction of the order, **the 5 House Pass** issued in 2008 were likewise measured as precisely as possible and were marked in accordance with their Pass. **(This is indicated on the Verification Site Plan Map).** Some of the area of the 5 House Pass made in 2008 appears to be within the P.Patta Area, based on the marked boundaries of **P.Patta No. 429 of 1976. (This is also indicated on the Verification Site Plan Map).***

*In accordance with the fourth instruction of the Order, **the area of the purchased land for Pu Lalthangfela and Pu C. Laltanpuia, as marked on the map, is 5278.869 Sqm for Pu Lalthangfela and 4014.352 Sqm for Pu C. Laltanpuia. (The map of the Verification Site Plan displays the aforementioned purchased land).***

According to the verification, the House Pass that were made in 2001 and 2008 do not appear to overlap. The P.Patta No. 429 of 1976 area could not be precisely stated due to the fact that it was not clearly indicated on the Boundary Description and since the Connected Paper cannot be located from the Office Record. To provide more clarity, I have inserted my observations from the verification process as well as the state of the land that is shown on the Verification Site Plan Map. The report is submitted to take the necessary steps.

Enclosed

1) Detailment Order

- 2) *Document*
- 3) *Verification Site Plan Map*
- 4) *Group photo of individuals present at the Spot Verification.*
- 5) *Photo of the land."*

20. A perusal of the Dispute Verification Report of the Surveyor (Ext. G-1) shows that there is nothing definite as to whether the area of the 5 House Passes made in the year 2008 were within the Periodic Patta area. The Surveyor however stated in the Report that the House Passes that were made in the year 2001 and 2008 did not appear to over-lap each other. The Dispute Verification Report though not precise has stated that some of the area of the five (5) House Passes made in the year 2008 appeared to be within the area covered by Period Patta No. 429/1976.

21. The above being said, the evidence adduced during the examination of the Surveyor, who made the Dispute Verification Report dated 16.02.2024, is to the following effect:-

"The 5 House Passes that were issued in 2008, as mentioned in my Dispute Verification Report, was in the middle of the land area covered by Periodic Patta No. 429/1976. It basically bisected the land area of Periodic Patta No. 429/1976. The other 10 House Passes that were issued in the year 2001 were also all within the Passes that were issued in the year 2001 were also all within the area of Periodic Patta No. 429/1976. In the survey, spot verification made by me along with all the above persons, it was found that all the 15 House Passes, i.e., 10 House Passes issued in the year 2001 and 5 House Passes issued in the year 2008 were all within the land area covered by Periodic Patta No. 429/1976.

Cross examination by Mr. L.H. Lianhrima, Senior Counsel for the private respondents.

Once the Periodic Patta No. 429/1976 is converted into House Pass, the said Periodic Patta is superseded by the House Pass. In order to do the above, the Periodic Patta has to be surrendered to the Department.

During the spot verification, all the parties as mentioned above were present and none of them raised any objection to the sport verification and the findings made by me.

Cross examination by Mr. Jonathan L. Sailo, learned counsel for the appellant.

As per my findings, the area of the Periodic Patta No. 429/1976 covered all the passes belonging to C. Laltanpuia, i.e. House Pass No. 115/2008, B. Vanlalhruaii, i.e. House Pass No. 114/2008, C. Lalromawia, i.e. House Pass No. 118/2008, C. Lalhruaitluanga, i.e. House Pass No. 117/2008 and C. Vanlalmuana, i.e. House Pass No. 116/2008, besides all the other House Passes within the hill road.”

22. Though the Dispute Verification Report dated 16.02.2024 had stated that some of the area of the five (5) House Passes made in the year 2008 appeared to be within the P. Patta area of 429/1976, the evidence of the Surveyor, who made the Dispute Verification Report has stated that the five (5) House Passes issued in the year 2008 were all within the land covered by Periodic Patta No. 429/1976. Thus, the evidence of the Surveyor C. Lalhmingthanga taken on 18.07.2024 is to the effect that the ten (10) House Passes issued in the year 2001 and the five (5) House Passes issued in the year 2008 were all within the area of Periodic Patta No. 429/1976.

23. The extract of the evidence adduced by the respondent No. 1 before the learned Trial Court during his cross-examination on 09.12.2010 at paras 3, 4, 7, 8 & 12 and cross-examination on 01.02.2011 at paras 1, 2, 5, 8 & 9 are as follows:-

“**3.** More Specifically what I had purchased from the defendant No. 4 are covered by House Passes No. 584, 585, 586, 587 of 2001 and some portions of 588 of 2001 and 522 of 2001.

4. It is a fact that what I had purchased from the defendant No. 4 did not include the House Passes No. 589, 590, 591 and 521 of 2001 and some portions of the House Passes under 588/01 and 522/01.

7. It is a fact that after I had purchased the said portion of land from the defendant No. 4 I had kept all the house passes covered by the land purchased by me for the purpose of obtaining L.S.Cs in respect of those ten (10) house passes.

8. I have no idea as to whether the P. Patta No. 429/76 in the name of the late father of the defendant had included the entire land covered by the ten (10) house passes as well as the remaining portion of the Hillock on the Southern side of those passes.

12. It is a fact that I did not purchase the portions of land shown to be covered by house passes No. 116/08 in the name of C. Vanlalmuana, No. 117/08 in the name of C. Lalhruaitluanga and a large portion of H.P. No. 118/08 in the name of C. Lalromawii, my two sons and daughter respectively.

CROSS EXAMINATION ON 01.02.2011

1. It is a fact that the area of land and the portion thereof purchased by me from the defendant No. 4 did not include some of the house site such as house passes No. 114/08 (B. Vanlalhruii), 115/08 (C. Laltanpuia), 116/08 (C. Vanlalmuana), 117/08 (C. Lalhruaitluangi) and 118/08 (C. Lalromawii).

2. It is a fact that while submitting for an application for issuance of the said house 5 passes I had stated that those portions covered by plot No. 1, 2, 3, 4 and 5 were purchased by me from Pu Lalthangfala (Defn. 4).

5. It is a fact I had constructed a structure (temporary) within the disputed land on the portion beyond the boundary line as stated in the sale deed.

8. I had informed the defendant No. 4 seeking his permission for construction of the said Assam type building/temporary structure as stated earlier as I considered the defendant No. 4 to be the owner of that portion of land where I had erected the said structure even though those passes were made in my name and in the names of my family members.

9. I approached this honourable court by filing the present suit before the Revenue Authorities made their final decision as I was under the impression that the Revenue Authorities would decide the matter against me.

24. Thus, in terms of the evidence adduced by the Surveyor C. Lalhmingthanga before this Court and the evidence of the respondent No. 1 in his cross-examination before the Trial Court points to the fact that the House Passes that were issued in the year 2001 and in the year 2008 were all within the area covered by Periodic Patta No.

429/1976.

25. There is no document produced showing that the respondent No. 1 had been allotted any vacant land by the State Government that was beyond the area covered by Periodic Patta No. 429/1976. Further, even if it is assumed that some land had been allotted to the respondent No. 1, some reason had to be present for allotment of vacant land to an individual (respondent No. 1), who already had land by way of Sale. This is not a case where a landless person is being given any land for his residence or for an agriculture purpose. As stated earlier, there is no document showing allotment of land had been made by the State Government to the respondent No. 1 and in view of the evidence given by C. Lalhmingthanga, the Surveyor on 18.07.2024, the respondent No. 1 cannot be said to be the owner of the lands covered by the five (5) House Passes that were issued in the year 2008 and the corresponding LSC Nos. 104903/01/1835 of 2008, 104903/01/1837 of 2008, 104903/01/1839 of 2008, 104903/01/1840 of 2008 and 104903/01/1848 of 2008. As such, the Judgment & Order dated 19.09.2013 and the Decree dated 20.09.2013 issued by the learned Trial Court is set aside, in so far as it has decreed that the respondent No. 1 is the legal and lawful owner of the five (5) LSC Nos. 104903/01/1835 of 2008, 104903/01/1837 of 2008, 104903/01/1839 of 2008, 104903/01/1840 of 2008 and 104903/01/1848 of 2008, which are in his name and in the names of his family members.

26. The appeal is accordingly allowed. Send back the LCR.

JUDGE

Comparing Assistant