

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.611 of 2010

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1.Somni Devi wife of Late Prithwi Pasi.
2.Ramnath Pasi son of late Prithwi Pasi.
Both residents of ward No. 23, Nagar Parishad, Supaul, P.S. and District Supaul.

.... Palintiffs Appellant/s

Versus

1.The State of Bihar through the Collector, Supaul.
2.Anayad the State of Bihar through the Circle Officer, Supaul.

....Defendants- Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrit Abhijat

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

17 17-03-2016

Heard learned counsel for the appellants.

2. The plaintiffs are the appellants in this appeal against the judgment and decree of affirmance dismissing the suit.

3. The plaintiffs filed the suit for declaration of title and confirmation of possession over the suit land and also for declaration that the preparation of town survey records of rights for the suit land in the name of State of Bihar was illegal and not binding upon the plaintiffs. The plaintiffs claimed title and possession over the suit land on the basis of the sale deeds executed in favour of the plaintiffs by Buchi Pasi in the year 1985-86. It was the case of the plaintiffs that altogether one bigha seven katha and one dhur of land was settled by the ex-



landlord with Sokhi Pasi who died leaving behind one son Karu Pasi. After the death of Karu Pasi, the property left by him was inherited by his two sons Buchi Pasi and Chhotan Pasi. It was further case of the plaintiffs that there has been partition between Buchi Pasi and Chhotan Pasi, wherein, the suit land was allotted in favour of Buchi Pasi who subsequently transferred the same by sale deed. Though the defendants appeared in the suit but no written statement was filed on behalf of the defendants.

4. Both the courts below have come to the finding that the plaintiffs could not establish by cogent evidence the title of their vendor Buchi Pasi. It has been found by both the courts below that though the plaintiffs claimed settlement of the suit land with Sokhi Pasi who was the grandfather of Buchi Pasi but no deed of settlement or receipt granted by the ex-landlord in token of settlement or the return filed by the ex-landlord in favour of Sokhi Pasi or his descendants was brought on record on behalf of the plaintiffs. Both the courts below have also concurrently found that the documents which have been strongly relied upon by the plaintiffs in support of their case were interpolated and manipulated and there were cuttings and insertions in those documents. It has thus been held by both the courts below that the plaintiffs are not entitled to reliefs claimed



by them. The suit was dismissed and thereafter the appeal has also been dismissed. The learned counsel for the appellants has submitted that another T.S. No. 49 of 1991 was filed with regard to the land allotted to Chhotan Pasi who was brother of Buchi Pasi (vendor of the plaintiffs) and that suit has been decreed. It has been contended that the judgment and decree of the said suit has been brought on record as Exhibit-6 but the same has been wrongly construed by the courts below. No other submission has been made on behalf of the appellants.

5. After considering the submissions and perusal of judgments of both the courts below, it is manifest that both the courts below have concurrently found that the plaintiffs have failed to adduce cogent evidence in support of the title of their vendor. It has also been found by both the courts below that interpolations and manipulations in the documentary evidence adduced on behalf of the plaintiffs have been made. The courts below have rightly not relied upon those documentary evidence. Besides both the courts below have also considered Exhibit-6 (judgment of T.S. No. 49 of 1991) and thereafter have reached to the conclusion against the plaintiffs. The findings by the courts below are based upon scrutiny of oral and documentary evidence adduced by the parties and this court does not find any

unreasonableness or perversity in the findings.

6. It is well settled that the civil litigations are decided on the basis of preponderance of probabilities and further the plaintiffs have to stand on their own legs. It would also be apt to take notice that the acts of interpolations and manipulations in the documentary evidence are the attempts to mislead the court leading to drawing adverse inference against the parties who claim on the basis of such interpolated/manipulated documentary evidence.

7. For the aforesaid reasons and discussions in this case, this Court does not find any substantial question of law arising for consideration in this appeal, which is accordingly, dismissed.

(V. Nath, J)

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