

IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT,
AIZAWL MIZORAM

Civil Suit No.56/2011

Zarzokimi

D/o Tawkhanga

R/o Bawngkawn, Aizawl, Mizoram.

.....Plaintiff.

-Versus-

1. Ramdinpuia,
S/o Rualkhuma,
R/o Ramhlun North, Aizawl, Mizoram.
2. Lalmuanpuui
D/o Tawkhanga,
R/o Zuangtui, Aizawl, Mizoram.
3. State of Mizoram
Represented by the Chief Secretary to the
Of Mizoram.
4. The Director,
Land Revenue & Settlement Department,
Aizawl, Mizoram.
5. The ASO-I
Land Revenue & Settlement Department,
Aizawl, Mizoram.

..... Defendants.

BEFORE

R.VANLALENA, Senior Civil Judge-II

For the Plaintiff	:	Reuben L.Tochhawng, Advocate.
For the Defendants	:	Asst. Govt. Advocates for Proforma Defendant.
Date of Judgement	:	19.4..2012

JUDGEMENT

19.4.2012

The facts of the case leading to the filing of the instant suit as reflected in the plaint may be briefly stated as below:

That the plaintiff is a permanent resident of Bawngkawn, Aizawl and is the legal and rightful owner of the landed property covered by LSC No.AZL.1860 of 1997. The plaintiff at the same time has another landed property covered by LSC NO. AZL.1869 of 1997 at Zuangtui, Aizawl with a standing house on it and she let the same house to her younger sister Smt.Lalmuanpuui (defendant

No.2) for her residence free of cost and out of natural love and affection since long. One day, the defendant No.2 requested the plaintiff (her elder sister) to hand over the LSC No.AZL.1869 of 1997 to her saying the same is needed for payment of revenue tax which she would do the needful payment of revenue tax from her own pocket. The plaintiff thus handed over the said LSC to her younger sister (defendant No.2) without suspicion that she would do something detrimental to the her land property covered by the said LSC. However, sometime in the month of June 2011, the plaintiff came to know that her younger sister (defendant No.2) had mortgaged her land covered by LSC No.1869 of 1997 to defendant No.1 without her knowledge, consent and permission. The plaintiff got this information only from the defendant No.1 who told her that defendant No.2 mortgaged the land covered by LSC No.1869 of 1997 to him for taking loan from him and due to default in repayment of the said loan, the said LSC had been foreclosed. IN order to retain the said LSC, the plaintiff strenuously begged the defendant No.1 to give back the said LSC and earnestly prayed to return the peaceful possession but all in vain. The defendant NO.1 in considerably told the plaintiff that the said LSC had belonged to him as defendant No.2 could not repay the loan due him. Every prayer and request made by the plaintiff had failed. Rather the plaintiff was informed by defendant No.1 that the said LSC NO. AZL 1869 of 1997 had been mutated into his (defendant No.1) name, as such, the plaintiff has no other option but to approach this court. That the instant suit is filed bona fide and for the interest of justice.

The plaintiff therefore, prays the following reliefs :

- a) For a decree in favour of the plaintiff and against the defendant.
- b) For a decree declaring that the plaintiff is the rightful and legal owner of the land covered by LSC No.AZL 1869 of 1997.
- c) For a decree directing the proforma defendants No.3-5 to transfer/mutate back the LSC No.AZL 1869 of 1997 in favour of the plaintiff.
- d) For mandatory and permanent injunction against the defendant No.1 directing him not to sell, dispose, alienate or alter the land and house building covered under LSC No.AZL 1869 of 1997 and not to do anything adverse to the interest of the plaintiff in respect of the said landed property and not to transfer/mutate the ownership of the said LSC into any other person till final disposal of the suit.
- e) For any other relief(s) to which the plaintiff is entitled according to Justice, Equity and Good conscience.
- f) For costs of the suit.

During the course of this suit, the defendants were given sufficient time as allowed by relevant provisions of law for filing their respective written objections and statement. Summons were issued and duly served upon all the defendants. In spite of this, all the defendants still failed to submit their respective written statements and none of the private defendants appeared in person or through counsels in this court. As all the defendants did not filed their respective written statements in the instant case, this court presumed that all the defendants

have nothing to say in this case which would indicate that all the claims of the plaintiff are true and admitted by the defendants.

Accordingly, this court has passed an order for ex-parte proceeding on 07.003.2012 by which dt.28.03.2012 had been fixed for filing examination-in-chief on affidavit of the plaintiff as provided under Order-XVIII, Rule 4 of Code of Civil Procedure. The plaintiff thus submitted her examination-in-chief on affidavit on 28.03.2012 on the basis of which this court has made a final decision in the instant suit. After normal process of summons to the private defendants failed, this court directed the plaintiff to take step for effecting service of summons upon the said defendants through leading local newspaper circulating in the area where all the defendants last resided. Thus all the defendants were summoned through Newspaper a copy of which was kept in the case record. Still the defendants did not enter their appearance in court in person or through counsels this court has no hesitation to grant all the reliefs claimed by the plaintiff.

Accordingly, the instant suit is hereby decreed ex-parte as under:-

- 1) The plaintiff is the rightful and legal owner of the plot of land covered by LSC No.AZL 1869 of 1997 located at Zuangtui, Aizawl.
- 2) The defendants No.4 i.e. The Director, Land Revenue and Settlement, Govt. of Mizoram, is hereby directed to remutate back the LSC No.AZL 1869 of 1997 into the name of Smt. Zarzokimi D/o Tawkhanga, Bawngkawn, Aizawl.
- 3) The defendant No.1 Shri Ramdinpuia S/o Rualkhuma R/o Rmhlun North, Aizawl shall hand over the said LSC No.AZL 1869 of 1997 to the hand of the plaintiff Zarzokimi immediately who shall in turn approach the Revenue authority for mutation of the said LSC into her name.
- 4) Parties shall bear their own cost.

The suit having been decreed as above is hereby disposed of accordingly.

Pronounce in open court on this 19th April, 2012.

Sd/-R. VANLALENA
Senior Civil Judge – II
Aizawl District : Aizawl.

Memo No.298/SCJ-I I(A)/2012: Dated Aizawl the 19th April,2012.

Copy to:

1. The District and Sessions Judge, Aizawl District for information.
2. Zarzokimi, D/o Tawkhanga, R/o Bawngkawn, Aizawl, Mizoram.
3. Ramdinpuia, S/o Rualkhuma, R/o Ramhlun North, Aizawl, Mizoram.
4. Lalmuanpuui, D/o Tawkhanga, R/o Zuangtui, Aizawl, Mizoram.
5. State of Mizoram Represented by the Chief Secretary to the of Mizoram through Asst. Govt. Advocates.
6. The Director, Land Revenue & Settlement Department, Aizawl, Mizoram through Asst. Govt. Advocates.
7. The ASO-I, Land Revenue & Settlement Department, Aizawl, Mizoram through Asst. Govt. Advocates.
8. Shri Reuben L.Tochhawng, Advocate concerned.
9. Registry section.
10. Case record.

PESHKAR