

**IN THE COURT OF SENIOR CIVIL JUDGE- 2
AIZAWL DISTRICT: AIZAWL, MIZORAM**

DECLARATORY SUIT NO. 01 OF 2001

Plaintiff:

Mr. P.C. Vanlalsanga
S/o Pangthianga (L)
Chanmari- Aizawl

By Advocates

: 1. Mr. C. Lalramzauva, Sr. Adv.
2. Mr. A.R. Malhotra, Adv.
3. Smt. Helen Dawngliani, Adv.

Versus

Defendants:

1. State of Mizoram
Through the Chief Secretary to the
Govt. of Mizoram
2. The Secretary to the Govt. of Mizoram
Revenue Department
3. Director
Land Revenue and Settlement Department
Govt. of Mizoram
4. Assistant Settlement Officer- 1
Aizawl District: Aizawl
5. Smt. Lalrammawii Pachuau
Interserve (India)
C- 20, Community
Janakpuri, New Delhi- 110058

By Advocates

For the defendants 1-4 :
For the defendant no. 5 : Mr. R. Lalremruata, AGA
: 1. Mr. W. Sam Joseph, Adv.
2. Mr. H. Laltanpuia, Adv.

Date of Order

: 09-05-2011

BEFORE

Dr. H.T.C. LALRINCHHANA, Sr. CJ- 2

ORDER OF PROCEEDING

This is a suit for declaration of title over the land under LSC No. AZL. 1476/92 in favour of the plaintiff and for declaration that the Order Memo No. R. 21011/9/92- DC (A)/65-66 Dt. 16/8/95, No. C. 18016/46/2000-REV Dt. 18/6/2001, Memo No. C. 15016/29/2000- DISP/DTE (REV) Dt. 2/7/2001, Memo No. R. 21011/9/92- DC (A)/83 Dt. 27/7/2001 by which the LSC issued in the name of the plaintiff has been illegally cancelled without any show cause notice to the plaintiff and Order under Memo No. C. 15016/29/2000- DISP/DTE (REV) Dt. 27/7/2001 by which the plaintiff was directed to submit his LSC No. AZL. 1476/92 to the office of defendant no. 4 are illegal and declare the plaintiff as the rightful owner of the plot of land under LSC No. AZL. 1476/92 and for permanent injunction against the

defendants and illegal mutation of LSC No. 83/73 in favour of the defendant no. 5.

While the suit is at the stage of evidence of the plaintiff, learned counsel for the plaintiff filed an application for issuance of Commission to record deposition of PW namely- Mr. C. Ngurchhawna, Chanmari West, Aizawl under Order 26 (1) of CPC by enclosing medical certificate issued by Dr. T. Lalzoliana, Radiologist Dt. 18/4/2011 which speaks that the said Mr. Ngurchhawna is suffering from sciatica since long, he is unable to move out of his house.

On hearing of both parties and on perusal of case record, I am convinced by the submission of Ld. Counsel for the plaintiff to appoint commissioner for the same.

By virtue of O. XXVI R. 2 & 21 of the CPC, Miss Gracy L. Bawitlung, learned Civil Judge, Aizawl District is kindly appointed as Commissioner to conduct examination of PW namely- Mr. C. Ngurchhawna, Chanmari West, Aizawl and to return his deposition as enshrined under O. XXVI R. 7 of the CPC. Parties are also directed to appear before the said Commissioner during examination of the said PW as contemplated under O. XXVI R. 18 of the CPC.

Miss Gracy L. Bawitlung, learned Civil Judge, Aizawl District is kindly requested to conduct such examination before the next date fixed as below so as to reach timely justice. Parties are directed to approach the said Ld. Civil Judge for her convenience and the date and time for examination of the concerned PW. The plaintiff is directed to intimate Mr. C. Ngurchhawna, Chanmari West, Aizawl in respect of the date and time of examination as to be directed by the said Ld. Civil Judge.

However, by virtue of sub- rule (2) of Rule 212 of the Civil Court Rules and Orders of the Gauhati High Court, the amount of Commissioner's fees, travelling expenses etc. is fixed at Rs. 1000.00 only (Rs. 500/- for POL, Rs. 400/- for honorarium and Rs. 100/- for other expenses). The plaintiff is therefore directed to deposit the said amount to this court on or before 01/06/2011.

Miss Gracy L. Bawitlung, Ld. Civil Judge is further kindly directed to collect the said amount before proceedings for commissions and she is further authorized to collect the case record for her own perusal to be kept only in her own safe custody until return.

The plaintiff is further warned that if she fails to pay the above estimate amount in a stipulated period of time and do not cooperate the appointed Commissioner for its success, PW- Mr. C. Ngurchhawna, Chanmari West, Aizawl will be dropped from the instant suit.

Fixed- **07-06-2011** for further evidence of the plaintiff.

Give this order copy to both parties and all concerned.

Dr. H.T.C. LALRINCHHANA
Senior Civil Judge- 2
Aizawl District: Aizawl

Memo No. DS/1/2001, Sr. CJ (A)/

Dated Aizawl, the 9th May, 2011

Copy to:

1. Mr. P.C. Vanlalsanga S/o Pangthianga (L), Chanmari- Aizawl through Mr. C. Lalramzauva, Seanior Advocate
2. State of Mizoram Through the Chief Secretary to the Govt. of Mizoram through Mr. R. Lalremruata, Advocate
3. The Secretary to the Govt. of Mizoram, Revenue Department through Mr. R. Lalremruata, Advocate
4. Director, Land Revenue and Settlement Department, Govt. of Mizoram through Mr. R. Lalremruata, Advocate
5. Assistant Settlement Officer- 1, Aizawl District: Aizawl through Mr. R. Lalremruata, Advocate
6. Smt. Lalrammawii Pachuau, Interserve (India), C- 20, Community, Janakpuri, New Delhi- 110058 through Mr. W. Sam Joseph, Adv.
7. Miss. Gracy L. Bawitlung, Ld. Civil Judge, Aizawl District- Aizawl
8. Mr. C. Ngurchhawna, Chanmari West, Aizawl through Mr. C. Lalramzauva, Senior Advocate
9. Case record

PESKAR