

AIZAWL DISTRICT COURT COMPLEX

DISTRICT COURT, AIZAWL

Court Room : District Court Aizawl

Court Of : Lalhriatpuii - Civil Judge II cum JMFC

Case Number : PCA CASE 34 OF 2019

CNR Number :

PETITIONER : Lalhuzaua

DISTRICT COURT,
AIZAWL

Case Type : Prevention of Corruption Act Case

Case Nature : Civil

Case Disposal Type : Disposed of

Dispute Arising At : Mizoram, Mizoram

Date of Decision : 2019-10-12

Date Of Judgement Order : 2019-10-25

File Details :

Sl No.	Document Class / Type	No. of Pages Scanned
1	Cover	1
2	Order sheet	2
3	Petition	9
4	Judgment & Order	2

Storage Details :

Room No.	Block	Rack	Bundle No
Record Room	Court	Rack 1	2r3sd

Party 1: Petitioner

Name of Party : Lalhuzaua

Personal Details : Gender - , AGE - , Caste -

Address Details : ,,,

Advocates

NAME	BAR REGN NO.	PARTY TYPE	REPRESENTING STATE/PP	STATUS
Johny Lalengmawia Tochhawng	1869 of 2012-13	Petitioner	Yes	Active

DISTRICT COURT,
AIZAWL

Party 2: Appealant

Name of Party : Lalzamlova

Personal Details : Gender - , AGE - , Caste -

Address Details : ,,,

Advocates

NAME	BAR REGN NO.	PARTY TYPE	REPRESENTING STATE/PP	STATUS
Lalruatpuia	00	Appealant	Yes	Active

DISTRICT COURT,
AIZAWL

MONEY SUIT NO 34/19.

In The Court of Lathouatpui

DISPOSED
on 25.10.17.

LALHUZALVA
S/o Lalmanawmi
Siphia Vengthar

V/S

LALZANLOVA
S/o Lalmangeta
Chattang Lily Veng
Near Chattang Thlanmual

13. 6. 2019
15 - 7 - 2019
14 - 8 - 2019
17 - 9 - 2019
21 - 10 - 2019

Johay T. Tochwang

ASSAM SCHEDULE VIDE NO.147
HIGH COURT FORM NO.(J) FORM OF ORDER SHEET
DISTRICT AIZAWL : MIZORAM.

COURT OF _____ CASE NO. _____ 201__
VERSUS

Date of Order of proceeding		Signature of Court
15.7.19.	<p>See Vakalatnama executed by the defendant in favour of R. Selthachiana & Selthachiana Saiso and the same is accepted.</p> <p>Fix: 14.8.2019 for W/s.</p>	
14.8.19.	<p>Ld. Counsel for both parties are present. Today is fix for W/s. However Counsel for the Defendant prayed time, prayer is allowed.</p> <p>Fix: 17.9.2019 for W/s.</p>	<p><i>[Signature]</i> 15/7/19.</p>
17.9.19.	<p>Ld. Counsel for both parties are present. Today is fix for W/s, accordingly Written statement is submitted by Defendant.</p> <p>Fix: 21.10.2019 for hearing on maintainability.</p>	<p><i>[Signature]</i> 14/8/19.</p>
21.10.19.	<p>Ld. Counsel for both parties are present. Today is fix for hearing on maintainability. Parties are partly heard.</p>	<p><i>[Signature]</i> 17/9/19.</p>

ASSAM SCHEDULE VIDE NO.147
HIGH COURT FORM NO.(J) FORM OF ORDER SHEET
DISTRICT AIZAWL : MIZORAM.

COURT OF _____ CASE NO. _____ 201__

VERSUS

Date of
Order of
proceeding

13-6-19

Signature
of Court

Lawyer for the Plaintiff is
present.

Today is fixed for submission
of written statement.

However, Court is adjourned
as T.M is on leave

For -- 15-7-19 for submission
of written statement

VA
13/6/19

ANNEXURE - 3

COURT OF CIVIL JUDGE-III, DISTRICT COURT, AIZAWL : MIZORAM

HEIRSHIP CERTIFICATE 34 OF 2011

Whereas Rohnuni (L) w/o Lalmangteka Sailo (L), Sihphir Vengthar, Mizoram died in the year 1/2/2011 her Grand son Lalhuzauva of Sihphir Vengthar, Mizoram is hereby declared as legal heir of the deceased Rohnuni in respect of House Pass No. 778 of 2010 located at Sihphir Vengthar, Mizoram.



Sd/- Lalgaihawia Zote
Civil Judge-III, District, Court,
Aizawl : Mizoram.

Memo No. 118 /HC/CJ-III(A)/2011
Copy to :-

: Dated Aizawl, the 9th May, 2011

1. Shri Lalhuzauva s/o Lalsangluaia, Sihphir Venthara, Mizoram.
2. Guard File.


9/5/11
(LALNGAIHMAWIA ZOTE)
Civil Judge
Aizawl : Mizoram

TERM & CONDITIONS

1. He pass hi kum 5 chhung atan pek a ni a, Sorkarin tul a tih chuan kum 5 aia rei atan pawh a extend thei ang.
2. Kuntin leiman/chhiah hi pek tur a ni a, pek a nih loh chuan Pass hi kum 5 chhungah pawh cancel theih a ni ang.
3. Pass neitu hian a pass area chin a humhalh in a enkawl tur a ni a, ram chin chhinchhiahna Pillar pawh a phun ngei tur a ni.
4. Pass neitu hian a ram leilung neitu nghet nihna a nei lo.
5. Pass area ah hian In sak anih dawn in, a ramri ah Sawrkar dan dinglai angina a zuah awl ngei tur a ni.
6. Pass area ah hian In sak a la nih loh chuan Notice Board hmangin Pass neitu hming, address leh area chiang taka tar tur a ni.
7. He pass hi, midang ram thuah a siam anih avang emaw, vantlang leh sawrkar duhloh zawng thil tihnan a hman anih vang emaw, a chunga terms & conditions bawhchhiat a nih chuan hengte avang hian sawrkar in a cancel thei ang.

Rohanni
Signature of Pass Holder


Issuing Officer
Land Revenue & Settlement
Dizawi District, Mizoram.

ANNEXURE - 2

**GOVERNMENT OF MIZORAM
REVENUE DEPARTMENT**

HOUSE/SHOP/STAILL PASS NO 778 OF 2010

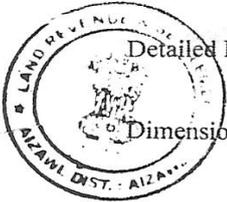
Under section 2 of Sub-Section (II) read with Section 5 of the Mizo District (Land and Revenue) Act, 1956. the land specified hereunder is temporarily allotted under the terms and conditions setforth overleaf to :-

Name: Rohnuni Father's Name: Lalmangteka (L)

Address: Sihphir Vengthar

Vide Govt. Letter No: k.52012/48/99-REV dt.22.9.2010

Grade	Area in Sqm.	Revenue per Sqm.	Total amount of Revenue payable Per annum
1	2	3	4
III-B	192.00	Rs. 0.25/-	Rs. 48/-



Detailed Location: Sihphir Vengtharah Bialkin Kawng leh Pitlanglan Inkarah

Dimension with direction of the sites (i.e. North, East, West & South)

- a) Frontage : 10.00m (E) N.H. 54
- b) Depth : 18.00m (N) Pitlanglan
- c) Depth : 10.40m + 8.8m (S) Bialkin Kawng
- d) Base : 9.40 + 4.50m (W) Vengparlu

Previous Pass (if any) _____

Issuing Officer (with Seal) _____
Dt. 27.10.10

Memo No. : R.14011/SPVT/2010-D(CA)/4-6 27.10.10

- Copy :-
- 1. Pass Holder.
 - 2. Director, LR&S, Mizoram, Aizawl.
 - 3. President, Village Council, Sihphir Vengthar.
 - 4. Office Guard File.

Issuing Officer
Land Revenue & Settlement
Aizawl District, Aizawl.

592/19
135.19

**IN THE COURT OF CIVIL JUDGE, AIZAWL JUDICIAL DISTRICT,
AIZAWL MIZORAM**

Money Suit No. 34 /2019.



Sh. Lalhuzauva,
S/o Lalrinawmi,
R/o Sihphir Vengthar,
Aizawl, Mizoram.

Endorse to
P. Lalhriatpui, CJ-III
for disposal.

AP
135.19Plaintiff



-Vrs-

Sh. Lalzamlova,
S/o Lalmangteka,
R/o Chatlang Lily Veng ,
Near Chatlang Thlanmual

....Defendant

IN THE MATTER OF:

A suit for recovery of sum of Rs. 1,15,200 (Rupees one lakh fifteen thousand two hundred) along with interest at the rate of 12% per annum from the date of filing this instant case.

The Plaintiff above named stated as follows:-
MOST RESPECTFULLY SHEWETH

1. That the Plaintiff is the citizen of India belonging to Scheduled Tribe Community of Mizo, and is a resident of Sihphir Vengthar, Aizawl, Mizoram. As such he is entitled to all the rights and privileges conferred by the Constitution of India and any other laws for the time being in force.
2. That the Plaintiff is the rightful owner of the House Pass No. 778 of 2010 which he had inherited from his grandmother namely Rohnuni who had executed will dt.2.02.2007 wherein the said Will runs as follows "**Lamliau kawngpui chhaka ka in hi atan(Plaintiff) kadah a, ka fate pawhin an chuhbuai ka remti lo a ni. Tuikhuah pawh atan (Plaintiff) ka dah nghal a ni**". It may not be out of place to mention here that the statement "**...Lamliau kawngpui chhak a ka in....**" stated in the Will dt.2/02/2007 indicated that the House Pass No. 778 of 2010 which was later registered in the name of Smt Rohnuni. **Copies of Will dt.2/02/07 duly executed by Smt Rohnuni along with House Pass No 778 of 2010 are at annexures 1 & 2 respectively.**

-2-

the Hon'ble Court may be pleased to allow the Plaintiff/Applicant to withdraw the suit with a liberty to file the suit afresh on the same cause of action and to pass, any other order(s) as the Hon'ble Court may deem fit and proper.

And for which act of kindness, the Applicant as in duty bound shall ever pray.

VERIFICATION

I, Lalhuzauva, S/o Lalrinawmi, R/o Sihphir Vengthar, Mizoram do hereby verify that the contents of paras No. 1-4 are true and correct to the best of my knowledge and belief and in witness whereof I put my hand and sign this the 25th day of October, 2019.

Lalhuzauva
VERIFICANT

Sh. Lal
25/10/19

**IN THE COURT OF THE CIVIL JUDGE,
AIZAWL JUDICIAL DISTRICT, AIZAWL.**

**C.M.A No. _____/2019
In Money Suit No.34/2019.**



Sh. Lalhunzauva,
H/o Lalrinawmi,
R/o Sihphir Vengthar,
Mizoram.

...Plaintiff

-Vrs-

Sh. Lalamlova,
S/o Lalmanteka,
R/o Chaltlang Lili Veng,
Aizawl, Mizoram.

...Defendant

IN THE MATTER OF:

An application under Order XXIII Rule 3, r/w Sec.151 CPC for withdrawal of the above mentioned Money Suit No.34/2019.

The Plaintiff above named
MOST RESPECTFULLY SHEWETH:

1. That the Plaintiff/applicant had instituted the above mentioned case against the defendant/opposite parties and the same is still pending before this Hon'ble Court.
2. That due to certain defects in the plaint and developments that had occurred after filling of the suit, the plaintiff/applicant desire to withdraw the same with a liberty to file a fresh suit on the same cause of action.
3. That the defendant/opposite party shall not be prejudiced if the application is allowed.
4. That this application is being made bona fide and for the ends of justice.

In the premises, it is most humbly prayed that

...2/-

- / -

IN THE COURT OF LEARNED CIVIL JUDGE,
AIZAWL JUDICIAL DISTRICT AT AIZAWL, MIZORAM
Money Suit No.34 of 2019

Shri. Lalhuzauva
S/o Smt. Lalrinawmi,
R/o Sihphir Vengthar,
Aizawl, Mizoram.

...Plaintiff

Versus

Shri. Lalzamlova
S/o Late Shri. Lalmangteka Sailo
(H/o Late Smt. Rohnuni)
R/o Chaltlang Lily Veng,
Aizawl, Mizoram.

...Defendant

REPLY FILED ON BEHALF OF THE DEFENDANT, SHRI. LALZAMLOVA

The defendant most respectfully submits:

PRELIMINARY REPLY:

- 1) That State of Mizoram has preferred an appeal in the Hon'ble Supreme Court of India challenging the judgment and order dated 31.08.2012 passed by Hon'ble Justice S. Talapatra in the case titled as 'Lalhuzauva Versus Ngurkhumi & Others' and the same is pending adjudication before the Hon'ble Supreme Court of India. Needless to mention the Hon'ble Justice S. Talapatra while passing the judgment and order dated 31.08.2012 did not pass the order in favour of the plaintiff in particular. That from a close perusal of the said judgment and order it is evidently clear that the Hon'ble Justice S. Talapatra while passing the same simply remitted back the Probate Case no.2 of 2011 for re-adjudication as per the provisions of the Indian Succession Act, 1925.

That the appeal challenging the judgment and order dated 31.08.2012 was initially registered as Special ^{leave} to Appeal (Civil) No.1305 of 2013 and was later registered as Civil Appeal No.9326 of 2013 after permission to file special leave petition was granted by the Hon'ble Supreme Court of India. That in the said appeal the present plaintiff is arrayed as respondent no.1 whereas the defendant herein is being arrayed as

Received by
OP. *[Signature]*
16/9/2019

[Signature]
17/9/19

IN THE COURT OF LEARNED CIVIL JUDGE,
AIZAWL JUDICIAL DISTRICT AT AIZAWL, MIZORAM
Money Suit No.34 of 2019

Shri. Lalhuzauva

S/o Smt. Lalrinawmi,
R/o Sihphir Vengthar,
Aizawl, Mizoram.

...Plaintiff

Versus

Shri. Lalzamlova

S/o Late Shri. Lalmangteka Sailo
(H/o Late Smt. Rohnuni)
R/o Chaltlang Lily Veng,
Aizawl, Mizoram.

...Defendant

I N D E X

Sl.Nos.	Particulars	Page Nos.
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7	Annexure R-4 Photocopy of the said family agreement dated 02.02.2011	15
8	Annexure R-5 Photocopy of the complete paperbook of the petition filed by the State of Mizoram before the Hon'ble Supreme Court of India	16 - 111

9	Annexure R-6 Photocopy of the Hon'ble Supreme Court of India order dated 10.01.2013	112
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11	Annexure R-8 Photocopy of the Hon'ble Supreme Court of India order dated 17.10.2013	114
12	Annexure R-9 Photocopy of the Hon'ble Supreme Court of India order dated 15.05.2015	115

Filed by,



Lalruatpuia Sailo, R. Laltharlana &
Annette Lalmuanpuii, Advocates
P. Hawla Building, Tuikual,
Near Vanapa Hall, Aizawl
9711552841/rtpsailo@gmail.com

Date:16.09.2019
Aizawl, Mizoram

**IN THE COURT OF SMT LALHRIATPUII, CIVIL JUDGE-III,
AIZAWL DISTRICT AIZAWL, MIZORAM.**

Money Suit 34/2019

Lalhuzauva
S/o Lalrinawmi
Sihphir Vengthar.

..... Petitioner

-Vs-

Lalamlova
S/o Lalmangteka
Chaltlang Lily Veng.

..... Defendants



For the Petitioner
For the Defendant
Date

BEFORE

Smt. Lalhriatpuii
Civil Judge-III
Aizawl, Mizoram

PRESENT

: Shri Johny L.Tochhawng Advocate.
: Shri Lalruatpuia & Ors Advocate.
: 25.10.2019

O R D E R

Ld counsel for the applicant is present and submitted application under Order XXIII Rule 3 R/w Sec. 151 CPC for withdrawal of the above mentioned Civil Suit No.34/2019 with a liberty to file a fresh due to certain defect in the plaint and developments that had occurred after filling of the suit.

Considering the submissions, the prayer of the Applicant is hereby allowed with liberty to file afresh.

With this order, Money Suit No.34/2019 is hereby disposed of.


(LALHRIATPUII)
Civil Judge-III
Aizawl District Aizawl
Aizawl District
Mizoram, Aizawl

**IN THE COURT OF THE CIVIL JUDGE-III,
AIZAWL DISTRICT, AIZAWL, MIZORAM
Money Suit No. 34/2019**

Lalhuzauva
S/o Lalrinawmi
Sihphir Vengthar. ... Plaintiff.

-Vrs-

Lalamlova
S/o Lalmangteka
Chaltlang Lily Veng. ... Defendant.

Date : 14.5.2019

ORDER

This suit is filed by Shri.Lalhuzauva S/o Lalrinawmi R/o Sihphir Vengthar, Aizawl against Lalamlova S/o Lalmangteka R/o Chaltlang Lily Veng, Aizawl, Mizoram for recovery of a sum of Rs.1,15,200/- (Rupees one lakh fifteen thousand two hundred) along with interest at the rate of 12% per annum from the date of filing this instant case.

The suit is accepted and registered as Money Suit No.34 of 2019.

Also seen Vakalatnama executed by the plaintiff in favour of Johny L.Tochhawng & Ors, Advocate and the same is accepted.

Fix : 13.6.2019 for Written Statement, if any.

Issue summons to the Defendant along with copy of plaint to be served by the plaintiff.



Sd/-LALHRIATPUII,
Civil Judge
Aizawl District, Aizawl.
Dated Aizawl, the 14th May 2019

Memo No. 249 /CJ-III(A)/2019

Copy to:

1. Shri.Lalhuzauva S/o Lalrinawmi R/o Sihphir Vengthar, Aizawl.
2. Shri. Lalamlova S/o Lalmangteka R/o Chaltlang Lily Veng, Aizawl, Mizoram.
3. Case Record.

PESHKAR
Peshkar,
Civil Judge
Aizawl District
Aizawl - Mizoram