‡gvKvg weÁ j¨vÛ mv‡f© UªvBeyb¨vj, Puv`cyi|

‡gvt bs- 1872/2018Bs

j¨vÛ mv‡f©

‡gvt gwZDi ingvb Ms ----------ev`x|

ebvg

gv‡jK wgwR Ms ---------weev`x|

welq: †`t Kvt wet AvB‡bi 39 AW©v‡ii 1 iæ‡ji weavb g‡Z ev`xc‡ÿi weiæ‡× A¯’vqx wb‡lavÁvi cÖv\_©bv|

1-9bs weev`xc‡ÿ webxZ wb‡e`b GB †h,

1. ev`xcÿ wg\_¨vi †cvlKZvq wg\_¨v AvwR© MV‡b GB weev`xMY nB‡Z †Kvbiƒc f~ m¤úwË bv cvIqv ¯^‡Z¡I GB weev`xM‡Yi Lwi`v f~wg ev`xc‡ÿi bv‡g be¨fv‡e †iKW© Kivi cÖv\_©bvq AÎ Av`vj‡Z 1872/2018Bs bs †gvKÏgv `v‡qi K‡i eZ©gv‡b †gvKÏgvwU Pjgvb Av‡Q| ms‡ÿ‡c GB weev`xc‡ÿi e³e¨ GB †h,
2. †Rjv mv‡eK wÎcyiv cieZx©‡Z Kzwgjøv nvj †Rjv Puv`cyi m`i \_vbvaxb 91bs Puv`cyi wgDwbwmc¨vwjwU †gŠRvi wm.Gm. 173 LwZqv‡b wQWz Luv Ii‡d BQgvBj Ii‡d BQgvBj Luv, myej Luv cÖ‡Z¨‡K √12II As‡k gvwjK `LjxKvi \_vKve¯’vq bvwjkx Rgvi kixK cÖRv myej Luv Zvi g„Zz¨Kv‡j Av‡gbv wewe‡K ¯¿x I Avnv¤§` Luv‡K GK cyÎ Iqvwik ivwLqv g„Zz¨eiY Kwi‡j Z`ve¯’vq GB weev`xM‡Yi c~e©eZx© BQgvBj wgwR Ges AveŸvm Luv MÖnxZv m~PK nBqv bvwjkx Rgvi kixK myej Luv ¯¿x Av‡gbv LvZzb cyÎ Avnv¤§` Luv `vZv m~PK nBqv weMZ 1372 evsjv m‡bi 24‡k ˆR¨ô H‡K¨ 07/06/1965Bs Zvwi‡L m¤úvw`Z I H Zvwi‡L ivRkvnx mve-‡iwRw÷ª Awd‡m 8562bs †iwRtK…Z mvdKejv g~‡j †ebvwjkx 207 LwZqv‡b f~wg mn bvwjkx 173 LwZqv‡b mv‡eK 309 `v‡M, mv‡eK 310 `v‡M, mv‡eK 311 `v‡M .4050 GKi f~wg Lwi` Kwiqv gvwjK `LjxKvi nB‡j GB DËiKvix weev`xM‡Yi c~e©eZx© D³ `wj‡ji A‡a©K As‡k .2025 GKi f~wg‡Z gvwjK `LjxKvi nq I \_v‡K| Zrci 1-9bs weev`xM‡Yi c~e©eZx© BQgvBj wgwR Zvi Aci Askx`viM‡Yi mwnZ Av‡cv‡l mv‡eK 311 `v‡M GKvBqv wbqv mv‡eK 309/310 `v‡M `wj‡ji Aci kixK‡K cÖ`vb Kwiqv Dnv‡Z gvwjK nq I \_v‡K| D³ fv‡e AvbygvwbK 50 ermi a‡i Av‡cvl g‡Z GB DËiKvix c~e©eZ©x Zrci GB DËiKvix †fvM `LjKvi nq I Av‡Q| D³ Av‡cv‡li weiæ‡× A`¨vewa weMZ 07/06/1965Bs Zvwi‡Li 8562bs `wj‡ji µg Iqvwik Rgvi kixK †Kvb AvcwË DÌvcb K‡ib bvB| cÖKvk \_v‡K †h, ZrKvjxb mg‡q †iwRw÷ª AvBb Abyhvqx BQgvBj Luv, myej Luv ivRkvnx‡Z emevm Kivi Kvi‡Y GB weev`x DËiKvixM‡Yi c~e©eZx© Lwi` f~wg m¤úwK©Z `wjj ivRkvnx mve †iwRw÷ª Awd‡m †iwRw÷ª nBqv‡Q Ges `wj‡ji GKwU Ask ivRkvnx †Rjvi .01 GKi f~wg Lwi`v `wj‡ji AšÍ©fz³ Av‡Q| cÖKvk \_v‡K †h, wm.Gm. Rwi‡ci mgq BmgvBj Luv Ii‡d wQWz Luv †`‡k Ae¯’vb Kivq wm.Gm. 173 LwZqv‡b BQgvBj Luv WvK bvg wQWz Luv LwZqv‡b wjwce× Av‡Q| weev`x c‡ÿi c~e©eZx© BQgvBj †nv‡mb wgwR bvwjkx Rgvq gnig Lvi ¯¿x R‡e`v LvZz‡bi µg Iqvwik e‡U|
3. cÖvKewY©Z cÖKvi GB DËiKvix weev`xM‡Yi c~e©eZx© wcZv weMZ 07/06/1965Bs Zvwi‡Li Lwi`v `wj‡ji A‡a©K As‡k .2025 GKi f~wg‡Z gvwjK `LjxKvi nBqv \_vwKqv 311 `v‡Mi emZ L‡Û †mwg cvKv M„nv`x D‡Ëvjb Ges h\_vh\_ LvRbv Av`v‡q GB DËiKvix weev`xMY‡K Iqvwik we`¨gv‡b g„Zz¨eiY Kwi‡j DËiKvix weev`xMY bvwjkx f~wg‡Z eû A\_©vq‡b 2wU ‡mwg cvKv emZ Ni, GKwU †Mvqvj Ni, GKwU cvKNi D‡Ëvj‡b evDÛvix cÖ`v‡b ¯^cwiev‡i emevm Kwi‡Z \_vKv Ae¯’vq we.Gm. Rwic Avg‡j we.Gm. RwicKvixMY miRwg‡b `L‡j cvBqv bvwjkx mv‡eK 311 nvj 2103 `v‡M ev`xMY‡K .0844 GKi f~wg Ges nvj 2073 `v‡M cyKzi f~wg‡Z .04 GKi GKz‡b .1244 GKi f~wg ev¯Íe `L‡j cvBqv Zvnv‡`i bv‡g we.Gm. 1844 LwZqvb m„wRZ nq| Z`ve¯’vq ev`x c‡ÿi ¯^xK…Z g‡ZB DËiKvjx weev`xc‡ÿi cÖvc¨ As‡k .2025 GKi Ges wewµ .06 GKi eµx .1425 GKi nB‡Z GB DËiKvix weev`xM‡Yi gvwjKZv .0181 GKi nB‡Z Kg wjwc nq| D³iƒc wel‡q GB weev`xcÿ cÖwZKvi cÖv\_x© nB‡e|
4. GB weev`x cÿ mnR, mij, wbixn AvBb Kvby‡bi cÖwZ kÖ×vkxj e¨w³ nq| cÿvšÍ‡i bvwjkx mv‡eK 173bs wm.Gm. LwZqv‡bi f~wg wbqv weÁ hyM¥ †Rjv RR 2q Av`vj‡Z 10/95bs †gvKÏgv Pjgvb Av‡Q| hvnvi eZ©gv‡b b¤^i †`t 41/2016Bs| ev`xcÿ bvwjkx 311 wKsev †Kvb `v‡M ¯^v\_© mswkøó Askx`vi nB‡j Zvnviv weÁ hyM¥ †Rjv RR Av`vj‡Z cÿfz³ nBqv Dnv‡Z Qvnvg/Reve `vwLj KwiZ Ges ev`xc‡ÿi mwnZ GB DËiKvix weev`xM‡Yi mv‡eK 311 `v‡Mi f~wg‡K †K›`ª Kwiqv ¯’vbxq GjvKvq K‡qKwU kvwmj nq| cÖwZwU kvwjm ev`xc‡ÿi GKNy‡qwgi Kvi‡Y cÐ nq| Zrci GB DËiKvix weev`x ga¨ nB‡Z 1/2bs weev`x gybmyi Avn‡g` I Zvi fvB gv‡jK wgwR ev`xc‡ÿi m‡nv`i åvZv Avt iwk` Gi ¯¿x †gvmvt kvnvbviv †eMg Ges Zvi cyÎ †mv‡nj wgwR nB‡Z Avg‡gv³vi bvgv g~‡j cÖvß †gvt Kvgvj DwÏb cv‡Uvqvix gvwjK \_vwKqv weMZ 23/08/2015Bs Zvwi‡L †iwRtK…Z 5554bs `wjj g~‡j †gvt .0275 GKi f~wg bvwjkx mv‡eK wm.Gm. 173, Gm.G. 1905 we.Gm. 1844bs LwZqv‡b mv‡eK 311 `v‡M Gm.G. 1525 we.Gm. 2103 `v‡M weµq Kwiq `Lj Ac©Y Kwi‡j 1/2bs weev`x Dnv‡Z Lvwi` g~‡j gvwjK nq I \_v‡K| ev`xcÿ Rvwbqv ïwbqv ev`xM‡Yi m‡nv`i åvZv Avt iwk` Gi ¯¿x ‡K mnev`x wKsev †gvKv‡ejv weev`x bv Kivq ev`xi †gvKÏgv AvBbZ Pwj‡Z wKsev iÿv cvB‡Z cv‡i bv| D³ `wjj g~‡j Lwi` Gi ci nB‡Z `wjj `vZv‡`i mn kixK ev`xcÿ wewfbœ †KŠk‡j Ges ¯’vbxq K‡ZK f~wg`my¨ Gi mwnZ ci®úi †hvMv‡hv‡M \_vwKq GB DËiKvix weev`xMY‡K Ah\_v nqivYx Kwiqv Avwm‡Z‡Q|
5. ev`xc‡ÿi AvwR©i weeiY g‡Z bvwjkx Rgvi kixK cÖRv Av‡gbv wewei K`fvby bv‡g †Kvb Kb¨v wQj bv| hw` Giƒc †Kvb Kb¨v \_vwKZ Zvn‡j Zvnv‡`i bv‡g wm.Gm. I Gm.G. †i‡KW© G ¯^‡Z¡i Kjv‡g bvg AvwmZ| †h‡nZz †iKW© g~‡j K`fvby ¯^Z¡ `Lj nxb nIqvq Zvi cyÎ KZ…©K weMZ 29/10/1956Bs Zvwi‡Li 13150bs †iwRtK…Z `wjj f~qv, AKvh©Ki Ges AvBbMZ †Kvb wfwË bvB Ges ev`xi AvwR© g‡Z K`fvby nB‡Z wewµZ wm.Gm. 173 LwZqv‡b ev`xi evqv wmwÏK Avjx nB‡Z Lwi`K…Z f~wg miRwg‡b †Kvb `Lj Av`vb cÖ`vb nq bvB| Z`ve¯’vq ev`xi AvwR© ewb©Z gvwjKZvq weeiY m¤ú~Y© f~qv I ev‡bvqvU e‡U| ïaygvÎ GB DËiKvix weev`x KZ…©K `yBwU `wj‡j †gvt .06 GKi f~wg mv‡eK 311 `v‡M wewµ nBqv‡Q| D³ f~wg I weGm Avg‡j weev`xM‡Yi .............bs we.Gm. LwZqv‡b wjwc iwnqv‡Q| Z`ve¯’vq GB weev`xM‡Yi bvgxq we.Gm. 1844 LwZqvb nvj 2103 `v‡M evox f~wg‡Z .0844 GKi Ges nvj 2073 `v‡M cyKzi f~wg .04 GKi GKz‡b .1244 GKi f~wg mwVK I ï× fv‡e wjwc iwnqv‡Q| D³ f~wg‡Z ev`xc‡ÿi m~PvMÖ cwigvY f~wg cvIbv bvB Ges iwnj bv| GB DËiKvix weev`xMY LvRbv Av`v‡qi myweav‡\_© c„\_K Rgv LvwiR †gvKÏgv g~‡j wfbœ LwZqvb m„R‡b LvRbvw` Av`v‡q, wfbœ †nvwìs ¯’vc‡b, U¨v· Av`v‡q, we`yr I M¨vm wej Av`v‡q bvwjkx f~wg‡Z †fvM `LjiZ Av‡Q| AwawKš‘ GB DËiKvix weev`x nB‡Z 1/2bs weev`x bvwjkx mv‡eK 311 `v‡M ev`xc‡ÿi m‡nv`i åvZv Avt iwk` Gi ¯¿x Gi fvwZRv nB‡Z .0275 GKi f~wg Lwi` Kwiqv D³ f~wg ev`xcÿ eySvBqv bv †`Iqvi Kvi‡Y GjvKvq kvwšÍf½ RwbZ Avk¼v we`¨gvb Av‡Q| ev`xcÿ AZ¨šÍ †KŠk‡j I cwiKwíZ fv‡e `Lj wel‡qi NUbv wfbœ cÖfv‡e cÖfvweZ Kivi D‡Ï‡k¨ Ges Ah\_v GB DËiKvix weev`x‡K ÿwZ Li‡Pi D‡Ï‡k¨ AÎ †gvKÏgv Avbqb Kwiqv‡Q| GB weev`xMY AZ¨šÍ kvwšÍwcÖq wbixn †kÖYxi †jvK nq| GB weev`xM‡Yi g‡a¨ 1/2bs weev`x miKvix Kg©Pvix e‡U| cÿvšÍ‡i ev`xcÿ Rei `LjKvix Ges f~wg AvZ¥mvrKvix †kÖYxi †jvK nq| GB weev`xM‡Yi c~e©eZx© BQgvBj wgwR Zvi Lwi`v f~wgi A›`‡i .06 GKi f~wg wewµ ev` wb¤œ ZcwQj f~wg AvbygvwbK 50 ermi wbiæ¼zk †fvM `Lj G \_vwKqv c„\_K Rgv LvwiR m„R‡b LvRbvw` Av`v‡q kvwšÍc~Y©fv‡e †fvM `Lj Kwiqv Avwm‡Z‡Q| GB weev`xc‡ÿi gvwjKxq `Ljxq ZcwQj ewY©Z f~wg‡Z ev`xc‡ÿi †Kvb cvIbv bvB| Z`vwcI ev`x cÿ ¯’vbxq fv‡e cÖfvekvjx nIqvi Kvi‡Y ev`xc‡ÿi gvwjKxq `Ljxq f~wgi cÖwZ Ab¨vq fv‡e ‡eAvBbx fv‡e †jvfx `„ó nBqv †Rv‡i ReŸ‡i Aby cÖ‡e‡ki †Póvq Av‡Q| Zr g‡g© GB weev`x cÿ‡K weMZ 26/11/2018Bs Zvwi‡L agKv agwK Kwiqv‡Q| ev`xc‡ÿi ag‡Ki Abye‡j †Kvbiƒc Kvh©vw` NwU‡j GB weev`xM‡Yi kvwšÍc~b© `Lj wewNœZ nBqv gvivZ¥K Lyb Kwievi m¤¢vebv iwnqv‡Q| GB weev`xc‡ÿi primafacie title, Good arguable case Av‡Q Ges wb‡lavÁv bv gÄy‡ii Balance of convenience and inconvenience GB weev`xc‡ÿ AbyK~‡j ev`xi cÖwZK~‡j| GgZve¯’vq b¨vq wePv‡ii ¯^v‡\_© ev`xcÿ hvnv‡Z wb¤œ ZcwQj ewY©Z f~wg‡Z †eAvBbxfv‡e †Rv‡i ReŸ‡i cÖ‡ek Kwi‡Z bv cv‡i wKsev †Kvb AvKvi AvK…wZ cwieZ©b Kwi‡Z bv cv‡i Zr g‡g© AÎ †gvKÏgv wb®úwË bv nIqvq GK AšÍeZx©Kvjxb wb‡lavÁv/ Statuesque Gi Av‡`k `v‡b ûRy‡ii gwR© nq| BwZ Zvs-

ZcwQj f~wg

‡Rjv mv‡eK wÎcyiv cieZx©‡Z Kzwgjøv nv‡j Puv`cyi †Rjvi Puv`cyi m`i \_vbvaxb nvj 93bs wgDwbwmc¨vwjwU †gŠRvi wm.Gm. 173 LwZqvb 311 `vM Avi.Gm. 648/1625 `vM nvj we.Gm. 1844 LwZqvb nvj 2103 `vM evox †gvt .0844 GKi| hvnvi †PŠûwÏ DË‡i- eKvDj evox †ivW I nviæb cv‡Uvqvix, `wÿ‡Y- gymwjg cv‡Uvqvix Ms, c~‡e©- evqZzi byi Rv‡g gmwR`, cwð‡g- weev`xM‡Yi wbR|

mZ¨cvV

AÎ Rev‡ei wjwLZ hveZxq weeiY Avgvi Ávb I wek¦vm g‡Z mZ¨| AÎ mZ¨Zvq wb‡¤œ Avgvi wbR bvg ¯^vÿi Kwijvg|