**‡gvKvg weÁ hyM¥ †Rjv RR 1g Av`vjZ, Puv`cyi|**

**‡gvt bs- 100/2012Bs**

**¯^Z¡ e›Ub**

**Awn`v †eMg ---------ev`x|**

**ebvg**

**gyKeyj Lvb Ms ----------weev`x|**

**welq: †`t Kvt AvB‡bi 39 AW©vi 1/2 iæ‡ji weavbg‡Z 47-50Ms weev`xi weiæ‡× A¯’vqx wb‡lavÁvi cÖv\_©bv|**

**87bs weev`xc‡ÿ webxZ wb‡e`b GB †h,**

1. **bvwjkx ÔLÕ ZcwQj hvnv †Rjv mv‡eK wÎcyiv cieZx©‡Z Kzwgjøv nvj †Rjv Puv`cyi Dc‡Rjv Puv`cyi m`i GjvKvaxb 113bs eªvþb mvLyqv †gŠRvi wm.Gm. 34 bs LwZqv‡bi mg¨K f~wgi cwigvb 12.85 GKi Zr g‡a¨ cÖRvwewj 4.43 GKi D³ f~wg ev` eµx 8.45 GKi f~wg‡Z wnm¨v ........... Ask †KvKvB Luv hvnvi cwigvb 4.0487 GKi Ges wnm¨v ........... As‡k iÄb evby .8581 GKi Ges wnm¨v ........... As‡k KzjQygv .3933 GKi Ges wnm¨v ........... As‡k gwngv .3933 GKi Ges wnm¨v ........... As‡k gvn¤§` .3933 GKi Ges wnm¨v ........... As‡k Kwig Lv .7872 GKi Ges wnm¨v ........... As‡k byi Luv .7872 GKi Ges wnm¨v ........... As‡k iwng Luv .7872 GKi f~wg‡Z gvwjK `LjxKvi wQ‡jb| ewY©Z g‡Z bvwjkx Rgvi kixK cÖRv iÄb evby wnm¨v ........... As‡k †gvt .8581 GKi f~wg cÖvß nq| Zrci bvwjkx Rgvi kixK cÖRv iwng Luv wnm¨v ........... As‡k †gvt .7872 GKi f~wg‡Z gvwjK `LjxKvi \_vwKqv Zvnvi g„Zz¨Kv‡j Zvnvi Mf©avwibx gvZv iÄb evby Ges gwngv, gvngy`v I KzjQzgv‡K m‡nv`i †evb ivwLqv †M‡j Zvnvi gvZv iÄb evby As‡k †gvt .1312 GKi f~wg cÖvß nq| Zrci iÄb evby Mf©RvZ Kb¨v gvngy`v wbR wnm¨vq †gvt .3933 GKi Ges åvZ… Iqvwik m~‡Î .1749 GKi GKz‡b .5682 GKi f~wg‡Z gvwjK `LjxKvi \_vwKqv gvZv iÄb I `yB m‡nv`iv †evb KzjQzgv, gwngv‡K ivwLqv g„Zz¨eiY Kwi‡j gvngy`vi Z¨vR¨ we‡Ë Zvnvi gvZv iÄb evby As‡k †gvt .0947 GKi f~wg cÖvß nq| AZtci wm.Gm. †Ubv›U Kzjmygv †eMg wbR wnm¨vq .3933 åvZv iwng Lv Z¨vR¨ we‡Ë .1749 GKi †evb gvngy`vi Z¨vR¨ ex‡Ë .2347 GKi GKz‡b .8029 GKi f~wg‡Z gvwjK \_vwKqv gvZv iÄb evby I wZb cyÎ Iqvwik we`¨gv‡b g„Zz¨eiY Kwi‡j iÄb evby Ask .1338 GKi f~wg cÖvß nq| Z`fv‡e iÄb evby wbR wnm¨vq .8581 GKi, cyÎ iwng Lvi Iqvwik m~‡Î .1312 GKi Kb¨v gvngy`vi Iqvwik m~‡Î .0947 GKi Kzjmygvi Z¨vR¨ we‡Ë .1338 GKz‡b †gvt 1.2178 GKi f~wg‡Z gvwjK \_vwKqv 1 gvÎ Kb¨v gwngv‡K Iqvwik we`¨gv‡b g„Zz¨eiY Kwi‡j gwngv GKKfv‡e Zvnvi gvZv iÄb evbyi Z¨vR¨ we‡Ë gvwjK `LjKvi nq I \_v‡K| cÖKvk \_v‡K †h, iÄb evby f~m¤úwË‡Z Ab¨ †Kvb Z¨vR¨ †fvMx Iqvwik bv \_vKvq Zvnvi Kb¨v gwngv GKKfv‡e cÖvß nq|**
2. **cÖvK ewY©Z g‡Z bvwjkx wm.Gm. 34bs LwZqv‡b kixK cÖRv gwngv wnm¨v ........... As‡k †gvt .3933 GKi f~wg cÖvß nq| åvZv iwng Lvi Z¨vR¨ we‡Ë ‡gvt .1749 GKi f~wg cÖvß nq| AZtci gwngv Zvnvi m‡nv`iv fwMœ gvngy`vi g„Zz¨‡Z gwngvi Z¨vR¨ we‡Ë .2347 GKi f~wg cÖvß nq| Zrci gwngv Zvi gvZv iÄb evbyi Z¨vR¨ we‡Ë †gvt 1.2178 GKi GKz‡b 2.0207 GKi f~wg‡Z gvwjK `LjxKvi nq I \_v‡K| Zrci gwngv bvwjkx wm.Gm. 34 LwZqv‡b 2.0207 GKi f~wg‡Z gvwjK `LjxKvi \_vwKqv 1.12 GKi f~wg weMZ 21/03/1936Bs Zvwi‡Li 1484bs QvdKejv `wjj g~‡j Kwcj DwÏb cvUIqvix I †mKv›`i Lvi wbKU weµq Kwiqv `Lj Ac©Y Kwi‡j Dnv‡Z LwiÏviMY wnm¨v Abyhvqx gvwjK `LjxKvi nq I \_v‡K|**
3. **cÖvKewY©Z g‡Z bvwjkx 1484 `wj‡ji A‡a©K As‡k †gvt .56 GKi f~wg‡Z ‡mKv›`i Lvu gvwjK `LjxKvi nq I \_v‡K| Z`fv‡e D³ LwiÏvi †mKv›`i Luv bvwjkx †ebvwjkx f~wgi †di dvwR‡j kixKvb‡`i mv‡\_ Av‡cvl e›U‡b bvwjkx mv‡eK 5/6 `v‡M †gvt .50 GKi f~wg weMZ 17/12/53Bs Zvwi‡Li 11037bs `wjj g~‡j 87bs weev`xi evqvMY eive‡i A\_©vr †gvmvt QwKbv LvZzb, †gvmvt AvkÖve fvby, mvgQzj nK MvRx, Avt Kv‡`i MvRx, GKveŸi Avjx MvRxi wbKU weµq `Lj Ac©Y Kwi‡j Dnv‡Z LwiÏviMY gvwjK `LjxKvi nq I \_v‡K|**
4. **cÖvK ewY©Z g‡Z bvwjkx Rgvi weMZ 17/12/53Bs Zvwi‡Li As‡k †gvt .10 GKi f~wg Ges Aci LwiÏvi kixK GKveŸi Avjx Ask †gvt .10 GKi f~wg mvgQzj Gi wbKU weµq Kwi‡j D³ mvgQj nK wbR wnm¨vq Ges Lwi` m~‡Î .20 GKi f~wg‡Z gwjK `LjxKvi \_vwKqv †gvt iv‡k`yj Bmjvg I gvmy`‡K `yB cyÎ Ges ivwk`v †eMg‡K ¯¿x Iqvwik we`¨gv‡b g„Zy„¨eiY Kwi‡j Zvnvi wcZvi Z¨vR¨ we‡Ë gvwjK `LjxKvi \_vwKqv weMZ 29/06/92Bs Zvwi‡Li 3222bs mvdKejv `wjj g~‡j bvwjkx mv‡eK 6 `v‡M †gvt .15 GKi f~wg 87bs weev`xi wbKU weµq Kwi‡j 87bs weev`xi wbKU weµq Kwi‡j 87bs weev`x Dnv‡Z Lwi` m~‡Î gvwjK `LjxKvi nq I \_v‡K| Z`fv‡e bvwjkx Rgvi LwiÏvi kixK weMZ 17/12/53Bs Zvwi‡Li As‡ki gvwjK Avt Kv‡`i ie Gi cyÎ †gvt kvnRvb MvRx kixKvb‡`i mv‡\_ Av‡cvl e›U‡b weMZ 21/07/1994Bs Zvwi‡Li 3305bs `wjjg~‡j mv‡eK 6 `v‡M †gvt .06 GKi f~wg GB 87bs weev`xi eive‡i weµq `Lj n¯ÍvšÍi Kwi‡j 87bs weev`x Dnv‡Z Lwi`m~‡Î gvwjK `LjxKvi nq I \_v‡K| Zrci bvwjkx Rgvi LwiÏvi kixK Avt Kv‡`i Gi Iqvwik Kb¨v mywdqv †eMg gvwjK `LjxKvi nBqv weMZ 17/12/1953Bs Zvwi‡Li `wjj g~‡j gvwjK I `LjxKvi n‡q Av‡cv‡l bvwjkx mv‡eK 6 `v‡M †gvt .02 GKi Ges †ebvwjkx LwZqv‡b †gvt .02 GKi GKz‡b .04 GKi f~wg weMZ 13/07/1994Bs Zvwi‡Li 3157bs `wjj g~‡j †gvt .04 GKi f~wg 87bs weev`xi wbKU weµq Kwiqv `Lj Ac©Y Kwi‡j 87bs weev`x 6 `v‡M .02 GKi f~wg cÖvß nq|**
5. **Abyiƒcfv‡e bvwjkx Rgvi LwiÏvi kixK mvgQzj nK MvRx weMZ 11037bs `wj‡ji As‡k gvwjK `LjxKvi \_vwKqv ¯¿x ivwk`v †eMg bvwjkx †ebvwjkx LwZqv‡bi †didvwR‡j Av‡cv‡l weMZ 29/09/2005Bs Zvwi‡Li 6105bs `wjj g~‡j bvwjkx mv‡eK 5 `v‡M .05 Ges mv‡eK 6 `v‡M .05 GKi †gvt .10 GKi f~wg 87bs weev`xi wbKU weµq Kwiqv `Lj Ac©Y Kwi‡j 87bs weev`x Dnv‡Z Lwi` m~‡Î gvwjK nq I \_v‡K|**
6. **Zrci bvwjkx Rgvi weMZ 17/12/53Bs Zvwi‡Li `wj‡ji †iwRtK…Z `wj‡ji wnm¨v As‡ki gvwjK QwKbv LvZzb Ges AvkÖve evbyi GKgvÎ Iqvwik byiæj nK nB‡Z K‡ZK m¤úwË cÖvß nBqv weMZ 27/09/05Bs Zvwi‡Li 5762bs `wjj g~‡j 87bs weev`xi wbKU mv‡eK 5/6 `v‡M †gvt .1650 GKi f~wg 87bs weev`xi wbKU weµq Kwiqv `Lj Ac©Y Kwi‡j 87bs weev`x Dnv‡Z Lwi` m~‡Î gvwjK I `LjxKvi nq I \_v‡K|**
7. **Z`fv‡e 87bs weev`x 5 wKËv `wjj g~‡j .4950 Ges ev¯Íe `L‡ji wfwË‡Z .50 GKi f~wg bvwjkx mv‡eK 6 `v‡M .35 GKi bvwjkx mv‡eK 5 `v‡M .15 GKi GKz‡b .50 GKi f~wg‡Z wbiæ¼zk `Lj eRv‡q gvwjK `LjxKvi \_vwKqv bvwjkx 6 `v‡M K‡ZK As‡k e¨emv‡qi D‡Ï‡k¨ gyiMx Lvgvi ¯’vc‡b Z\_vq gyiMx †ePv †Kbvi gva¨‡g Ges K‡ZK As‡k ‡mwgcvKv wUb‡mW `vjvb wbg©vb Kwiqv Ges K‡ZK f~wg‡Z g~j¨evb MvQ MvQvwj m„Rb Kwiqv Z\_vq iÿYv †eÿ‡b ev`x I weev`xM‡bi Rvbv g‡Z gvwjK `LjxKvi nq I \_v‡K| Z` Ae¯’vq GB weev`x Dc‡i D‡jøwLZ weeiY g‡Z bvwjkx Rgvq Avek¨Kxq LwiÏvi cÿ e‡U|**
8. **87bs weev`x GKRb mnRmij AvB‡bi cÖwZ kÖ×vkxj e¨w³ e‡U| cÿvšÍi 47- 50 bs weev`x AwZkq `yó I `~`©všÍ GK `jxq ‡RvU e‡U| AwawKš‘ Zvnviv ciab‡jvfx RyjygevR †jvK e‡U| bvwjkx wb¤œ ZcwQj ewb©Z f~wg‡Z Zvnv‡`i ¯^Z¡ ¯^v\_© `Lj bv \_vKv ¯^‡Z¡I 87bs weev`x mywbw`©ó †PŠûwÏ †ewóZ ZcwQj f~wgi cÖwZ †jvfvK…ó nBqv Ab¨vq I †Rv‡i Ree‡i Ges 87bs weev`xi eû Av\_©vq‡b ¯’vwcZ Lvgvi Lvgvi I g~j¨evb MvQ MvQvwj KvwUqv †bIqv mn 87bs weev`xi kvwšÍc~Y© ‡fvM `L‡j †Rv‡i ReŸ‡i cÖ‡ek Kwi‡e g‡g© ninv‡gkv 87bs weev`x‡K agKv agwK Kwiqv GK Aw¯’wZKi cwiw¯’wZ m„wó Kwiqv‡Q| me©‡kl weMZ 05/11/2017Bs Zvwi‡L agKv agwK mn 47-50bs weev`xi wbKUZg AvZ¥xq bvRgv Av³vi I KwZcq †bkvhy³ †jvK wbqv Anin GB 87bs weev`x‡K c‡\_, Nv‡U iv¯Ívi wewfbœ ai‡bi KziæPxc~Y© I Akvjxb evK¨ D”Pvib Kwiqv h\_vixwZ 87bs weev`x‡K Pig gvbwmK nZvkvq ‡dwjqv‡Q| Z`fv‡e 87bs weev`x DcvqAšÍi bv cvBqv A¯’vqx wb‡lavÁvi cÖv\_©bvq AÎ `iLv¯Í `vwLj Kwiqv‡Q| 87bs weev`x prima facia arguable case Av‡Q| wb‡lavÁv bv-gÄy‡ii Balance of convenience and inconvenience 87bs weev`xi AbyK~‡j| 47-50bs weev`xi cÖwZK~‡j|**

**AZGe, b¨vq I myô wePv‡ii ZvwM‡` 47-50bs weev`xMY hvnv‡Z ZcwQj ewY©Z f~wg‡Z †Rv‡i ReŸ‡i cÖ‡ek bv K‡i wKsev 87bs weev`xi kvwšÍ c~Y© †fvM `L‡j weNœ m„wó bv K‡i wKsev ZcwQj ewY©Z f~wg m¤ú‡K© †Kvb n¯ÍvšÍi m~PK †Kvb `wjjvw` bv K‡i Zr g‡g© AÎ †gvKÏgv wb®úwË ¯^v‡c‡ÿ GK A¯’vqx wb‡lavÁvi Av‡`k `v‡b ûRy‡ii gwR© nq| BwZ Zvs-**

**ÔKÕ ZcwQj f~wg**

**Puv`cyi †Rjvaxb Puv`cyi m`i Dc‡Rjvaxb 213bs eªvþb mvLyqv †gŠRvi wm.Gm. 34bs LwZqv‡bi mv‡eK 6 `v‡M †gvt .35 GKi f~wg hvnvi †PŠûwÏ DË‡i- Av‡bvqvi, `wÿ‡b- wbR, c~‡e© Avjg Ms, cwð‡g- miKvix iv¯Ív| D³ †PŠûwÏi g‡a¨ .35 GKi f~wg|**

DËi- Av‡bvqvi

mv‡eK 6 `vM

†gvt 35 kZK

cwðg- miKvix iv¯Ív

c~e©- Avjg Ms

`wÿY- wbR Ms

**ÔLÕ ZcwQj f~wg**

**Puv`cyi †Rjvaxb Puv`cyi m`i Dc‡Rjvaxb 213bs eªvþb mvLyqv †gŠRvi wm.Gm. 34bs LwZqv‡bi mv‡eK 5 `v‡M †gvt .15 GKi f~wg hvnvi †PŠûwÏ DË‡i- wbR, `wÿ‡b- wbR Ms, c~‡e©- Avjg Ms, cwð‡g- miKvix iv¯Ív| D³ †PŠûwÏi g‡a¨ .15 GKi f~wg|**

mv‡eK 5 `vM

†gvt 15 kZK

DËi- wbR Ms

`wÿY- wbR Ms

c~e©- Avjg Ms

cwðg- miKvix iv¯Ív

**mZ¨cvV**

**AÎ wb‡lavÁvi `iLv‡¯Íi hveZxq weeiY Avgvi Ávb I wek¦vm g‡Z mZ¨| Avwg Bnvi †Kvb wKQz †MvcY Kwi bvB ev Dnvi †Kvb Ask wg\_¨v b‡n| AÎ mZ¨Zv ¯^xKv‡i A`¨ AÎ mZ¨ cv‡V wbR bvg ¯^vÿi Kwijvg|**

**¯^vÿit**