‡gvKvg weÁ nvBgPi wmwbqi mnKvix RR Av`vjZ, Puv`cyi|

‡gvt bs- 12/2017Bs

‡`t ¯^Z¡

‡gvt nvweeyi ingvb gv÷vi ...........ev`x|

-t ebvg t-

‡gvt Avey Zv‡ni Lvb ..........weev`x|

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

1bs weev`x c‡ÿ webxZ wb‡e`b GB †h,

ev`xcÿ B”QvK…Z fv‡e †gqv` DËxY© evqbvcÎ g~‡j Z\_vKw\_Z Lwi` ¯^Z¡ `vex Kwiqv `Lj w¯’iZvi wWwµ cÖv\_©bvq AÎ †gvKÏgv Avbqb K‡i| Zrci 1bs weev`x ev`xc‡ÿi AvwR© `„pZvi mwnZ A¯^xKvi c~e©K GK Reve `vwLj K‡i| Rev‡e D‡jøwLZ weeiY GB, ‡Rjv mv‡eK wÎcyiv c‡i Kzwgjøv nv‡j Puv`cyi \_vbv I mve-‡iwRw÷ª †gvKvg nvBgPi Aaxb ciMbv ‰gRwÏ 176bs †ZŠwRi gnvj gvwjK MYcÖRvZš¿x evsjv‡`k miKvi c‡ÿ †Rjv cÖkvmK, Puv`cyi Aax‡b AwZwi³ †Rjv cÖkvmK(ivR¯^), Aax‡b mnKvix Kwgkbvi(f~wg), nvBgPi, Puv`cyi Z`vax‡b mnKvix f~wg Kg©KZ©v 2bs DËi AvjMx BDwbqb f~wg Awdm Gi GjvKvaxb wKs mv‡eK 170bs nv‡j 22bs bqvbx j²xcyi wm.Gm. 72bs LwZqv‡bi 1& Avbv †gvt 3.61 GKi f~wgi evwl©K LvRbv gs- 4\৵ Rgvi Rwg‡Z GK wKËv †gŠwLK w¯’wZevb ivqZx ¯^‡Z¡ wnm¨v \. Avbv As‡k †Rvgb Luv gvwjK I Lvm `LjxKvi \_vwKqv ZØxq `yB cyÎ KvjvB Luv I Av‡bvqvi Luv‡K ZØxq Z¨vR¨weË †fvMx Iqvwik ivwLqv ci‡jvK MgY Kwi‡j KvjvB Luv wcZ… Iqvwik bvwjkx Rgvq Askvbyiƒc gvwjK I Lvm `LjxKvi \_vKve¯’vq kixKvb‡`i mwnZ Av‡cvl wPwýZ e›Ub g‡Z Ac‡ii wbivs‡k I wbivcwË‡Z GjvKvi me© mvavi‡Yi Ávb †MvPi g‡Z gvwjK miKv‡ii nvivnvwi LvRbvw` cÖ`v‡b kvwšÍc~Y©fv‡e †fvM `Lj Kwi‡Z \_vKve¯’vq cyÎ b~i †gvnv¤§` Luv‡K ZØxq Z¨vR¨weË †fvMx Iqvwik ivwLqv †M‡j KvjvB Luv Gi cyÎ b~i †gvnv¤§` Luv bvwjkx †RvZ Rgvq wcZ… Iqvwik m~‡Î Askvbyiƒc gvwjK I Lvm `LjxKvi \_vwKqv †fvM `Lj KivKvjxb Gm.G./Avi.Gm. Rixc Avi¤¢ nB‡j Gm.G. Rixc Avg‡j Gm.G. 79bs LwZqv‡b b~i †gvnv¤§` Luv Gi bvg Ab¨vb¨ kixKvb‡`i mwnZ ï×iƒ‡c wjwc nBqv ï×iƒ‡c cÖKvwkZ I cÖPvwiZ nq| Gm.G./Avi.Gm. †iK‡W©W †U‡b›U b~i †gvnv¤§` Luv bvwjkx †RvZ Rgvi bvwjkx LwZqv‡b wcZ… I gvZ… Iqvwik m~‡Î Askvbyiƒc gvwjK I LvR `LjxKvi \_vwKqv kixKvb‡`i mwnZ Av‡cvl wPwýZ e›Ub g‡Z Ac‡ii wbivs‡k I wbivcwË‡Z gvwjK miKv‡ii †hŠ\_fv‡e nvivnvwi LvRbvw` cÖ`v‡b me© mvavi‡Yi Ávb I †MvPi g‡Z kvwšÍc~Y©fv‡e †fvM `Lj Kwi‡Z \_vKve¯’vq we.Gm. Rwic Avi¤¢ nB‡j bvwjkx †ebvwjkx f~wg eve` Aaybvg„Z b~i †gvnv¤§` Luv Gi bv‡g we.Gm. 613bs LwZqvb Ges Ab¨vb¨ kixKvb‡`i mwnZ we.Gm. 613/1bs LwZqvb ï×iƒ‡c wjwc nBqv Zvnv cÖKvwkZ I cÖPvwiZ nq| we.Gm. 613 I 613/1bs LwZqv‡bi Askvbyiƒc gvwjK `LjxKvi b~i †gvnv¤§` Luv ewY©Zfv‡e bvwjkx †ebvwjkx f~wg‡Z gvwjK `LjxKvi \_vwKqv †gvmv¤§r Av‡qkv †eMg‡K 1 ¯¿x (1) Avey Zv‡ni Luvb, (2) Avey Qv‡q` Luvb I (3) †gvt BDmyd Luvb‡K 3 cyÎ Ges (1) Zdziv †eMg, (2) Ry‡jLv †eMg, (3) Qv‡qiv †eMg, (4) Zvmwjgv †eMg‡K 4 Kb¨v ZØxq Z¨vR¨weË †fvMx Iqvwik ivwLqv ci‡jvK MgY Kwi‡j b~i †gvn¤§`v Luv Gi cyÎ Kb¨v wcZ… I gvZ… Iqvwik m~‡Î Askvbyiƒc gvwjK I Lvm `LjxKvi \_vwKqv wb‡R‡`i I kixKvb‡`i mwnZ Av‡cvl wPýZ e›Ub g‡Z Ac‡ii wbivs‡k I wbivcwË‡Z wbw`©ó †PŠûwÏ eÜ‡b †hŠ\_fv‡e gvwjK miKv‡ii nvivnvwi LvRbvw` Av`v‡q †fvM `Lj Kwi‡Z \_v‡K I wQj|

cÖvKewY©Z g‡Z Gm.G. Ges we.Gm. †iK‡W© kixK cÖRv byi †gvnv¤§` Lvb Gi cyÎ 1bs weev`x bvwjkx Rgvq kixKvb‡`i mv‡\_ Av‡cvl e›U‡b bvwjkx ZdwQj ewY©Z f~wg mn Ab¨vb¨ †ebvwjkx f~wg‡Z m„wRZ eû UvKv e¨‡q we.Gm. 613bs LwZqv‡bi we.Gm. 1117bs wfwU f~wg‡Z Ab¨vb¨ †ebvwjkx f~wg GK mvwg‡j GK eø‡K Avwbqv Z\_vq 6wU †`vKvb wbg©vb I wbi¼zk gvwjKZv `Lj AR©‡b fvov Dc‡hvMx Kwiqv †Zv‡j| Zrci 1bs weev`xi wbKUZg gvgv H mgq Avw\_©Kfv‡e `ye©j †eKvi \_vKv Ae¯’vq 1bs weev`xi kiYvcbœ nB‡j 1bs weev`x AvZ¥xqZvi nK Av`v‡q I gvbweK Kvi‡Y Zvnvi A‡\_© ¯^v‡\_© wbwgË 6Uv †`vKvb M„‡ni g‡a¨ 1Uv †`vKvbv M„n A¯’vqx D‡”Q` †hvM¨ fvov wnmv‡e 2008-2009 mb nB‡Z gvwmK fvov QqkZ UvKv av‡h© 1bs weev`x‡K cÖ`vb K‡i Ges ev`x 1bs weev`xi Aax‡b A¯’vqx D‡”Q`‡hvM¨ fvovwUqv wnmv‡e e¨emv evwYR¨ cwiPvjbv Kwiqv AvbygvwbK 2/3 ermi fvov Av`vq Kwiqv Avwm‡Z \_v‡K Zrci ev`x Aag©Mvgx nBqv Ges GjvKvi K‡ZK `yó cÖK…wZi ‡jv‡Ki Kzcivg‡k© bvwjkx f~wg m¤ú‡K© K‡ZK A‡jLv ÷¨v¤ú msMÖn Kwiqv ev`xi ¯^vÿi Rvj Kwiqv bvwjkx f~wg m¤ú‡K© ZwK©Z evqbvcÎ m„Rb Kivi †Póv Kwi‡j 1bs weev`x weÁ AwZwi³ †Rjv g¨vwR‡÷ªU Av`vj‡Z 572/16 †gvKÏgv `v‡qi Kwi‡j D³ †gvKÏgv Z`šÍfvi †gv¯Ídv Kvgvj Gm.AvB. nvBgPi \_vbv Puv`cyi‡K `vwqZ¡ cÖ`vb Kwi‡j D³ ÷¨v¤ú¸wj Rã Kwiqv weÁ Av`vj‡Z †cÖiY Kwi‡j weÁ Av`vjZ weMZ 09/04/2017Bs Zvwi‡Li Av‡`‡k D×viK…Z ÷¨v¤ú¸wj bw\_ mshy³ ivwLqv Dfq cÿ‡K mswkøó Av`vj‡Zi gva¨‡g wb®úwË Kivi Rb¨ civgk© cÖ`vb K‡i| ev`xi AvwR© ewY©Z g‡Z 5bs c¨vivi wjwLZ weeiY ev`xi GKZidv, gbMov weeiY e‡U| 1bs weev`x ev`xi mwnZ KLbB †Kvb evqbvcÎ Pzw³ m¤úv`b K‡i bvB wKsev evqbvcÎ wjwLZ weeiY Abyhvqx 30,000/- UvKv MÖnY K‡i bvB| GB RvZxq ev`xi weeiY m¤ú~Y© wg\_¨v I f~qv e‡U|

ev`x 1bs weev`xi wbKUZg AvZ¥xq gvgv nB‡jI GKRb kV I KzU cÖK…wZi f~wg RvwjqvZ †kÖYxi ‡jvK nq| 1bs weev`x ev`xi PvwiwÎK ¸bvejx m¤ú‡K© AeMZ nB‡j Zvnv‡K KLbB A¯’vqx fvovwUqv wnmv‡e †`vKvb PvjvB‡Z w`Z bv| 1bs weev`x we‡`k \_vKvi myev‡` ev`xi gvwjKxq `Ljxq f~wgi cÖwZ Ab¨vq I †e-AvBbx fv‡e †jvfvK…ó nBqv Zvnv AvZ¥mv‡Zi D‡Ï‡k¨ AÎ ZwK©Z evqbvcÎ m„Rb K‡i e¯‘Z c‡ÿ ZwK©Z evqbvc‡Î 1bs weev`x †Kvb ¯^vÿi cÖ`vb K‡i bvB Ges ZwK©Z evqbvc‡Î c„ôv mg~‡n ev`xi ¯^vÿi ch©v‡jvPbv Kwi‡j Zvnv ci®úi contradictory Ges GK cvZvq ¯^vÿ‡ii mwnZ wgj bvB| Bnv‡Z ®úó cÖZxqgvb nq †h ZwK©Z evqbv cÎwU Rvj Ges f~qv| AwawKš‘ ev`x bvwjkx †`vKvb M„‡n A¯’vqx D‡”Q`‡hvM¨ fvovwUqv wnmv‡e cÖ‡ek Kwiqv cieZx©‡Z K‡qK ermi fvov cÖ`vb Kwiqv Zrci fvov cÖ`vb eÜ Kwiqv eZ©gv‡b bvwjkx ZcwQj M„‡n Ab¨vq I †eAvBbx fv‡e Rei `LjKvi wnmv‡e Ae¯’vb Kwi‡Z‡Q| 1bs weev`x mnmvB ev`x‡K n¯ÍvšÍi AvB‡b 106 aviv †bvwUk Kwiqv Zrci ev`x‡K D‡”Q` Gi cÖwµqvq h\_vh\_ Av`vj‡Z cÖwZKvi cÖv\_x© nB‡e| AvB‡bi KzUZK© LÛbv‡\_© 1bs weev`xi mwnZ ev`xi Z\_vKw\_Z evqbvcÎ nB‡j ev`x miKvi KZ…©K wba©vwiZ mg‡qi g‡a¨ miKv‡ii ‡NvwlZ mg‡qi g‡a¨ †Kvb cÖwZKvi cÖv\_x© bv nIqvq ev`xi †gvKÏgv †NviZi Zvgvw` †`v‡l evwiZ e‡U|

cÖvKewY©Z g‡Z ev`x 1bs weev`xi `vwLjK…Z Reve cv‡V eywS‡Z cv‡i bvwjkx f~wg‡Z Zvnvi eZ©gvb †Kvb Ae¯’vb bvB| †m‡nZz ev`x AZ¨šÍ KzU †KŠk‡j Ges ¯’vbxq K‡ZK Amr †jv‡Ki ci®úi †hvMv‡hv‡M \_vwKqv 1bs weev`xi Pig ÿwZ Kivi D‡Ï‡k¨ 1bs weev`xi wbKUZg AvZ¥xq A\_©vr bvwjkx f~wg m¤úwK©Z Rgvi kixK‡K G‡K Avi eySvBqv Zvnv‡`i nB‡Z n¯ÍvšÍi m~PK †Kvb evqbv c‡Î wKsev n¯ÍvšÍi m~PK `wjjvw` m„wó Kivi loh‡š¿ wjß Av‡Q Ges ev`xi ag‡Ki Abye‡j 1bs weev`xi wbKU BnvB cÖZxqgvb nq †h ev`x †h‡Kvb mgq Zvnvi loh‡š¿i GKvsk wnmv‡e 1bs weev`xi gvwjKx wb¤œ ZcwQj f~wg AvK…ó µ‡g 1bs weev`xi wbKUZg AvZ¥xq wKsev Ab¨vb¨ kixK nB‡Z GK evqbvcÎ wKsev n¯ÍvšÍi m~PK `wjjvw` m„Rb Kwi‡Z cv‡i| me©‡kl weMZ 13/07/2018Bs Zvwi‡L 1bs weev`x‡K agKv agwK Kwiqv‡Q †h, AwP‡iB D³ †eAvBbx Kvh© Kwi‡e| D³ iƒc Avk¼vq 1bs weev`x AZ¨šÍ wbivk I nZvk nBqv ev`xi weiæ‡× †`t Kvt wewa AvB‡bi 39 AW©vi 1 iæ‡ji weavb g‡Z bvwjkx ZcwQj ewY©Z f~wg‡Z ev`xi weiæ‡× GK A¯’vqx wb‡lavÁv Av‡`k nIqv Avek¨K| bvwjkx f~wg 1bs weev`xi Av‡cvl e›U‡b GKK gvwjKxq `Ljxq f~wg e‡U Ges 1bs weev`x Zvnvi mviv Rxe‡bi mwÂZ Avq Øviv D³ f~wg fivUµ‡g †`vKvbM„nmg~n wbg©v‡Y fvov cÖ`v‡b Ges fvov Av`v‡q Dnvi A\_© Øviv ¯^cwiev‡i msmvi ag© cvj‡b gvwjK I `LjxKvi nq I Av‡Q| D³ †gvKÏgvi 1bs weev`xi Prima facie title Av‡Q Ges Good arguable case Av‡Q Ges Balance of convenience and inconvenience 1bs weev`xi AbyK~‡j|

‡mg‡Z webxZ cÖv\_©bv, bvwjkx ZcwQj f~wg ev`xcÿ hvnv‡Z be¨ fv‡e Rgvi †Kvb kixK nB‡Z †Kvb evqbv cÎ wKsev n¯ÍvšÍi m~PK `wjjvw` m„Rb bv Kwi‡Z cv‡i wKsev bvwjkx f~wg †Kvb AeKvVv‡gvMZ †Kvb cwieZ©b Kwi‡Z bv cv‡i Zb¥‡g© †gvKÏgv wb®úwË bv nIqv ch©šÍ ev`xi weiæ‡× GK AšÍeZx© Kvjxb Av‡`k `v‡b ûRy‡ii gwR© nq| BwZ Zvs-

ZcwQj f~wg

Puv`cyi †Rjvi nvBgPi Dc‡Rjvi mv‡eK 170 nvj 22bs bqvbx jÿxcyi †gŠRvi wm.Gm. 72 LwZqv‡b 324 `v‡M nvj we.Gm. 613 LwZqv‡b nvj 1117 `v‡M 1& Avbv .01 GKi f~wg| hvnvi †PŠûwÏ DË‡i- iv¯Ív, `wÿ‡Y- weev`x wbR, c~‡e©- dviæK ˆQqvj, cwð‡g- kwn` Djø¨v|

mZ¨cvV

AÎ `iLv‡¯Íi wjwLZ hr hveZxq weeib Avgvi Ávb I wek¦vmg‡Z mZ¨| AÎ mZ¨Zvq wbR bvg `¯ÍLZ Kwijvg|