**weÁ AwZwi³ †Rjv g¨vwR‡÷ªU Av`vjZ, Puv`cyi|**

**`iLv¯Í ‡gvt bs- 190/2018Bs**

**nvRxMÄ \_vbv**

**i‡gk P›`ª `vm ...............cÖv\_x©|**

**ebvg**

**bvivqb P›`ª `vm Ms ..........cÖwZcÿ|**

**1bs cÖwZc‡ÿi wjwLZ Reve,**

1. **cÖv\_x©cÿ mwVK gvwjKZv D‡jøL bv Kwiqv AÎ †gvKÏgv Avbvqb Kivq AÎ †gvKÏgv AiÿYxq e‡U|**
2. **bvwjkx f~wg‡Z cÖv\_x©c‡ÿi ¯^Z¡ `Lj bv \_vKvq Ges bvwjkx f~wg wbqv weÁ wmwbqi mnKvix RR nvRxMÄ Av`vj‡Z Dfq c‡ÿi g‡a¨ †`t 6/17Bs †gvKÏgv Pjgvb \_vKvq AÎ †gvKÏgv Aiÿbxq e‡U|**
3. **bvwjkx `vM mg~‡n cÖv\_x© I GB cÖwZcÿ mn Askx`vi \_vKvq AÎ †gvKÏgv Aiÿbxq e‡U|**
4. **cÖv\_x© c‡ÿi AÎ †gvKÏgv By the principle of estoppel waiver and acquiescence Gi Kvi‡Y AiÿYxq e‡U|**
5. **cÖv\_x©c‡ÿi AviwRi ewY©Z g‡Z, Avwg `iLv¯ÍKvix GKRb mnR, mij, wbixn, AvBb Kvby‡bi cÖwZ kÖ×vkxj †jvK nIqv wK; cÖwZcÿMY AZxe `yó, `y`©všÍ, `v½v-nv½vgv wcÖq ciweË †jvfx cÖK…wZi †jvK nIqv wK; wb¤œ ZcwQj ewY©Z f~wg †Rjv mv‡eK wÎcyiv cieZx©‡Z Kzwgjøv nvj †Rjv Puv`cyi, \_vbv- nvRxMÄ Aaxb mv‡eK 187 nvj 27bs bInvUv †gŠRvi wm.Gm. 122bs LwZqvbfz³ f~wg g‡a¨ wnm¨v \ Avbv As‡k †gvt 7.79 GKi K…ò Kzgvi aycx wnm¨v \. Avbv As‡k 7.79 GKi f~wg ivg Kzgvi aycx gvwjK `LjKvi \_vKv wK; ewY©Z ivg Kzgvi aycx bvwjkx wm.Gm. 122bs LwZqvbfz³ f~wg g‡a¨ wnm¨v \. Avbv As‡k †gvt 7.79 GKi f~wgi gvwjK `LjKvi \_vKve¯’vq weMZ 18/07/1957Bs Zvwi‡L †iwRtK…Z 8394bs `vbcÎ `wjj g~‡j †gvt 2.65 GKi f~wg Z`xq cuvP cyÎ (1) jvwVqvj, RyjygevR, ciab‡jvfx, f~wg`my¨, AvBb i‡gk P›`ª `vm, (2) †hv‡Mk P›`ª `vm, (3) D‡gk P›`ª `vm, (4) c‡ik P›`ª `vm, (5) nwi †gvnb `vm‡K `vb Kwiqv `Lj Ac©Y K‡ib wK; Bnv‡Z cÖ‡Z¨K cyÎ .53 GKi f~wg cÖvß nq wK; cÖv\_x©c‡ÿi D³ f~wg‡Z Ni `iRv D‡Ëvjbµ‡g emevm K‡i Ges Lvwj As‡k Rvg, KvVvj, bvi‡Kj mycvwi wewfbœ djevb I g~j¨evb e„ÿvw` jvMvBqv iÿbv‡eÿY Kwiqv kvwšÍc~Y©fv‡e †fvM `Lj Kwiqv Avwm‡Z‡Q wK; cÖv\_x© 2708/14-15, 447/14-15 Ges 439/14-15bs bvgRvix Rgv LvwiR gvgjv g~‡j LvwiR LwZqvb cÖvß nBqv‡Q wK; cÖwZcÿMY bvwjkx f~wg‡Z gvwjKZv `Ljnxb Z…Zxq e¨w³ nIqv m‡Z¡I bvwjkx f~wgi cÖwZ †jvfvZzi nBqv Ab¨vq I †eAvBbx fv‡e bvwjkx f~wg nB‡Z cÖv\_x©cÿ‡K †e`Lj Kivi Rb¨ ûgwK agwK cÖ`k©b Kwiqv Avwm‡Z‡Q wK; Z`ve¯’vq weMZ 17/02/2018Bs ‡ivR kwbevi mgq Abygvb weKvj 3 NwUKvi mgq cÖwZcÿMY 8/10Rb AÁvZbvgv mš¿vmx mn bvwjkx f~wgi cv‡k¦© Avwmqv cÖv\_x©cÿ‡K GB g‡g© ûgwK agwK K‡i †h, bvwjkx f~wg‡Z Avmvi mva wgUvBqv w`e Ges cÖv\_x©c‡ÿi Ni-`iRv fvw½qv w`‡e wK; cÖv\_x©c‡ÿi WvK wPrKv‡i K‡ZK mvÿx I †jvKRb AvMvBqv Avwmqv NUbv †`‡L I ï‡b wK; evZ©gv‡b cÖwZcÿMY fxlY D‡ËwRZ I wÿß Zvnviv †h‡Kvb mgq †eAvBbxfv‡e cÖv\_x©cÿ‡K bvwjkx f~wg nB‡Z cÖv\_x©i Ni-`iRv fvw½qv w`‡e I cÖv\_x©i Ni-`iRvq Av¸b jvMvBqv R¡vjvBqv w`‡Z cv‡i Ges m„wRZ MvQ MvQovi KvwUqv wbqv †e`Lj Kwi‡Z cv‡i wK; B`vbxs cÖwZcÿMY ZcwQj bvwjkx f~wg‡Z †eAvBbxfv‡e cÖ‡ek Kwievi Rb¨ fxlY †Zvo †Rvo Kwi‡Z‡Q Ges Zvnv‡`i `‡j Av‡iv jvwVqvj, gv¯Ívb †kÖYxi †jvKRb msMÖn Kwi‡Z‡Q wK; cÖv\_x©cÿ wK Zvnv‡`i †jvKRb cÖwZc‡ÿi G‡nb Ab¨vq I †eAvBbx Kv‡h©¨ evav w`‡j cÖwZcÿMY Øviv gvivZ¥K Lyb Lvivex mn ¸iæZi kvwšÍf‡½i Avk¼v we`¨gvb \_vKvi Dw³mn cÖv\_x©c‡ÿi `iLv‡¯Í ewY©Z hveZxq weeiY GKQvo wg\_¨v, f~qv, ev‡bvqvwU, ZÂKZvg~jK, miRwg‡bi wecixZ KwíZ Kvwnbx e‡U| GB DËiKvix cÖwZcÿMY Zvnv `„pZvi mwnZ A¯^xKvi Kwi‡Z‡Q|**
6. **cÖK…Z welq GB †h, cÖK…Z welq GB †h, †Rjv mv‡eK wÎcyiv cieZx©‡Z Kzwgjøv nvj †Rjv Puv`cyi \_vbv nvRxMÄ Aaxb mv‡eK 187 nvj 27bs bInvUv †gŠRvi wm.Gm. 122bs LwZqvbfz³ f~wgi g‡a¨ wnm¨v \. Avbv As‡k †gvt 7.79 GKi K…ò Kzgvi aycx Ges wnm¨v \. Avbv As‡k †gvt 7.79 GKi f~wg ivg Kzgvi aycx gvwjK `LjxKvi wQ‡jb| D³ ivgKzgvi aycx Rxegv‡b 3(wZb) weevn K‡ib| Zvnvi 1g ¯¿xi M‡f© Ak¦xbx Kzgvi `vM bv‡g 1 cyÎ, 2q ¯¿xi M‡f© mwP›`ª `vm I B›`ª †gvnb `vm bv‡g 2 cyÎ Ges 3q ¯¿xi M‡f© †hv‡Mk P›`ª `vm D‡gk P›`ª `vm, i‡gk P›`ª `vm, c‡ik P›`ª `vm, nwi‡gvnb P›`ª `vm bv‡g 5 cyÎ Rb¥ MÖnY K‡i| Z`fv‡e D³ ivgKzgvi aycx bvwjkx wm.Gm. 122 LwZqv‡b n¯ÍvšÍi ev` 2.90 GKi f~wg‡Z gvwjK \_vwKqv D³ 8 cyÎ †K Iqvwik we`¨vgv‡b g„Zz¨eiY Kwi‡j cÖ‡Z¨K cyÎ ivg Kzgv‡ii Z¨vR¨ we‡Ë .3675 GKi f~wg cÖvß nq| cÖvKewY©Z fv‡e GB weev`xi c~e©eZx© wcZv kÖx B›`ª †gvnb `vm I Avcb †RVv kÖx mwP›`ª †gvnb `vm cÖ‡Z¨‡K .3675 GKi f~wg f~wg cÖvß nq|**
7. **cÖvKewY©Zfv‡e kÖx mwP›`ª †gvnb `vm bvwjkx LwZqv‡b Zvi wnm¨v cÖvß f~wg ZvnviB †¯œ‡ni Kwbó åvZv kÖx B›`ª †gvnb‡K weMZ 18/03/97Bs Zvwi‡Li 1475bs †iwRtK…Z `vb cÎ g~‡j AÎ bs †gvKÏgvi weev`x‡`i Rvbv I Ávb †MvPi g‡Z `Lj n¯ÍvšÍi Kwi‡j kÖx B›`ª †gvnb `vm Dnv‡Z `vb cÎ g~‡j gvwjK I †fvM `LjKvi nq I \_v‡K| Zrci GB weev`xcÿ mn bvwjkx f~wg gvc‡Svc K‡i GB weev`xi wcZv‡K bvwjkx f~wgi `Lj eySvBqv †`q| cieZx©‡Z D³ kÖx B›`ª †gvnb `vm ¸ß bvwjkx `wj‡ji f~wg 02/12/98Bs Zvwi‡Li 6056bs †iwRtK…Z `vb cÎ g~‡j GB DËiKvix weev`xi wbKU n¯ÍvšÍi Kwi‡j GB weev`x Dnv‡Z `vbcÎ g~‡j gvwjK I `LjKvi nBqv kvwšÍc~b©fv‡e bvj Rwg‡Z dmj djvBqv I evwo f~wg‡Z g~j¨evb MvQ MvQvwj m„R‡b †fvM `LjKvi nq I Av‡Q| ev`xcÿ kÖx mwP›`ª †gvnb `vm Gi †Kvb ‰ea Iqvwik bv nIqv ¯^‡Z¡i Ges bvwjkx f~wg‡Z †Kvb AvBb m½Z ¯^Z¡ ¯^v\_©, `Lj bv \_vKv ¯^‡Z¡I 2708/14-15, 447/14-15 Ges 439/14-15 LvwiRx LwZqvb m„Rb K‡i Ges GB weev`x cÿ cieZx©‡Z D³ welq Rvwb‡Z cvwiqv D³ LvwiRx LwZqv‡bi weiæ‡× 13/15-16bs wewea cybt wePvi †gvKÏgv Avbqb K‡i| cieZx©‡Z D³ wewea cybtwePvi 13/15-16 †gvKÏgv g~‡j 2708/14-15, 447/14-15 Ges 439/14-15 LvwiRx LwZqvb evwZjµ‡g GB cÖwZc‡ÿi bv‡g bvwjkx f~wg m¤ú‡K© 1226bs LvwiRx LwZqv‡b bvwjkx 922 `v‡M .12, bvwjkx 923 `v‡M .0631 Ges 935 `v‡M .0250 GKi, 924 `v‡M .03, 927 `v‡M .0137, 930 `v‡M .0243, 951 `v‡M .03 GKy‡b .3448 GKi f~wg LvwiRx LwZqvb g~‡j †iKW© nq hvnv A`¨ewa envj I ejer Av‡Q| cÖv\_x©cÿ KvíwbK †PŠûwÏ I KvíwbK fv‡e f~wg `vwe Kwiqv GB cÖwZcÿ‡K nqivYx Kivi KzgZj‡e D³ †gvKÏgv Avbqb Kivq AÎ †gvKÏgv LvwiR nB‡e| 2/3bs cÖwZcÿ bvwjkx f~wg‡Z GB cÖwZc‡ÿi gvwjKxq f~wg eM©v`vi wnmv‡e Pvl evm K‡i †mRb¨ 2/3bs cÖwZcÿ‡K nqivbx Kivi KzgZj‡e D³ †gvKÏgvq cÖwZcÿ Kiv nBqv‡Q| ev` eµx evPwbK fv‡e wb‡ew`Z nB‡e|**

**AZGe, webxZ cÖv\_©bv weÁ Av`vjZ `qv cÖKv‡k Dc‡iv³ Ae¯’v I KviYvax‡b GB cÖwZc‡ÿi `vwLjxq Reve MÖnY c~e©K GB cÖwZcÿ‡K AÎ †gvKÏgvi `vq nB‡Z Ae¨vnwZ `v‡bi Av‡`k `v‡b mywePvi Kwi‡Z gwR© nq| BwZ Zvs-**