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

‡gvt bs- 433/2017Bs

j¨vÛ mv‡f©

‡gvt BDmyd Avjx Rgv`vi Ms ..................ev`xcÿ|

ebvg

‡gvt Bqvwmb Rgv`vi Ms ...............weev`xcÿ|

1-12bs weev`xMY c‡ÿ wjwLZ Revet-

1. ev`xc‡ÿi AviwRi hveZxq weeiY m¤ú~Y© wg\_¨v I KvíwbK e‡U|
2. ev`xc‡ÿi AÎ †gvKÏgvi †Kvb ˆea KviY wK AwaKvi bvB I wQj bv|
3. eZ©gvb AvKv‡i I cÖKv‡i ev`xc‡ÿi AÎ †gvKÏgv Pwj‡Z wK iÿv cvB‡Z cv‡i bv|
4. By the principle of estoppel, waiver and acquiescence RwbZ †`v‡l ev`xc‡ÿi AÎ †gvKÏgv Pwj‡Z wK iÿv cvB‡Z cv‡i bv|
5. ev`xc‡ÿi AÎ †gvKÏgv Properly framed, Constituted valued and stamped b‡n weavq AÎ †gvKÏgv wWm&wgm& †hvM¨ e‡U|
6. ev`xc‡ÿi AÎ †gvKÏgv wg\_¨v, †K¬kKi I nqivYxg~jK †gvKÏgv nq|
7. cÖK…Z K\_v GB †h:-
   1. Puv`cyi ‡Rjvi, Puv`cyi m`i Dc‡Rjvi mv‡eK 109bs mvc`x †gŠRvi wm.Gm. 422bs LwZqv‡bi 1& Avbv †gvt 4.44 GKi f~wg‡Z Ges cvk¦©eZx© `~M©v`x †gŠRvq K‡ZK f~wg‡Z †bvqviRv Rgv`vi gvwjK `LjKvi wQ‡jb| D³ †bvqviRv Rgv`vi 03/01/1913Bs Zvwi‡Li †iwRw÷ªK…Z 21bs wej GIqvR †nev bvgv g~‡j wm.Gm. Rwi‡ci c~‡e© †PŠûÏx D‡jø‡L mvc`x †gŠRvq D³ wm.Gm. 422bs LwZqv‡bi 12 weNv 13 KvVv Kv”Pv Rwg A\_©vr GK‡ii wnmv‡e 4.17 GKi (cÖvq) m¤úwË Ges cvk¦eZx© `~M©v`x †gŠRvq 1 Kvwb 11 MÐv cwiwgZ m¤úwË ZØxq 5 cyÎ 1| Avn¤§` Avjx Rgv`vi, 2| AvgRv` Avjx Rgv`vi, 3| Bgvb Avjx Rgv`vi, 4| gybQzi Avjx Rgv`vi Ges 5| BQe Avjx Rgv`vi‡`i †nev Kwiqv `Lj cÖ`vb K‡ib| D³ †nev `wjj g~‡j cÖ‡Z¨K `wjj MÖnxZv mvc`x †gŠRvq wm.Gm. 422bs LwZqv‡b †gvt .8340 GKi f~wg m‡gZ `~M©v`x †gŠRvq m¤úwË cÖv‡ß gvwjK `LjKvi nq| D³ †bvqvivRv Rgv`vi 03/01/1913Bs Zvwi‡L †iwRw÷ªK…Z 23bs mvdKejv `wjj g~‡j D³ mvc`x †gŠRvq wm.Gm.422bs LwZqv‡bi 16 KvVv 13 QUvK m¤úwË A\_©vr GK‡ii wnmv‡e .27 GKi (cÖvq) m¤úwË `i‡ek Avjx Ges gqgbv LvZzb Ii‡d gqgybv LvZzb‡`i wbKU weµq Kwiqv `Lj cÖ`vb K‡ib| D³ `wjj g~‡j cÖ‡Z¨K MÖnxZv †gvt .1350 GKi f~wg‡Z gvwjK `LjKvi nq|
   2. ewY©Z g‡Z mvc`x †gŠRvq D³ wm.Gm. 422bs LwZqv‡b D³ Avn¤§` Avjx Rgv`vi, AvgRv` Avjx Rgv`vi, Bgvb Avjx Rgv`vi, gybmyi Avjx Rgv`vi Ges BQe Avjx Rgv`vi cÖ‡Z¨‡K †gvt .8340 GKi f~wg‡Z gvwjK `LjKvi nq Ges cÖvKewY©Z `i‡ek Avjx Ges gqgybv LvZzb cÖ‡Z¨‡K D³ mvc`x †gŠRvq wm.Gm. 422 LwZqv‡bi †gvt .1350 GKi f~wg‡Z gvwjK `LjKvi nq| cÖKvk \_v‡K †h, D³ `i‡ek Avjx I gqgbv LvZzb Ii‡d Avqgbv LvZzb ci®úi ¯^vgx-¯¿x wQ‡jb| AviI cÖKvk \_v‡K †h, D³ †bvqvivRv Rgv`vi Ges 1gv ¯¿x M‡f© Avn¤§` Avjx Rgv`vi, AvgRv` Avjx Rgv`vi I Bgvb Avjx Rgv`vi bv‡g 3 cyÎ Ges dRi fvby bv‡g 1 Kb¨v Rb¥MÖnY Kivi c‡i D³ †bvqvivRv Rvgv`vi Ges 1gv ¯¿x ci‡jvK Mgb K‡ib| AZtci †bvqvivRv Rgv`vi Puv` fvby Ii‡d Puv›` fvby‡K 2q ¯¿x wnmv‡e weevn K‡ib| D³ †bvqvivRvi Ji‡l Puv›` fvbyi M‡©f gybQzi Avjx, BQe Avjx bv‡g 2 cyÎ Ges m~h©¨ fvby bv‡g 1 Kb¨v Rb¥MÖnY K‡ib| †bvqvivRv Rgv`vi ewY©Z g‡Z D³ 03/01/1913Bs Zvwi‡Li †iwRtK…Z 21bs Ges 23bs `wjj g~‡j mvcw` †gŠRvi D³ wm.Gm. 422 LwZqv‡bi mgy`q †gvt 4.44 GKi m¤úwË n¯ÍvšÍi Kwiqv wbt¯^Z¡evb I `Ljnxb nb| cÖvKewY©Z gybQi Avjx Rgv`vi I BQe Avjx Rgv`vi mvc`x †gŠRvi wm.Gm. 422 LwZqv‡b †gvt .8340 GKi + .8340 GKi = 1.6680 GKi f~wg‡Z gvwjK `LjKvi \_vKve¯’vq Zvnviv Df‡q AweevwnZ Ae¯’vq g„Zz¨Kv‡j †bvqvivRv Rgv`vi‡K wcZv Ges Pv›` fvby Ii‡d Pvb fvby‡K gvZv Iqvwik ivwLqv †M‡j Zr Z¨vR¨ mvc`x †gŠRvi D³ wm.Gm. LwZqv‡bi m¤úwË‡Z ZØxq wcZv As‡k †gvt 1.1120 GKi f~wg‡Z Ges gvZv As‡k †gvt .5560 GKi f~wg‡Z gvwjK, `LjKvi nq| D³ †bvqvivRv Rgv`vi weMZ 22/02/1923Bs Zvwi‡Li †iwRw÷ªK…Z 1745bs wej GIqvR †nevbvgv `wjj g~‡j D³ mvc`x †gŠRvi wm.Gm. 422bs LwZqv‡bi †gvt 1.11 GKi m¤úwË mn `~M©v`x †gŠRvi K‡ZK m¤úwË `i‡ek Avjx, i¾e Avjx Rgv`vi, Ajx wgqv Rgv`vi I Avjx GKveŸi Rgv`vi(cÖvK ewY©Z AvgRv` Avjxi cyÎ)‡K †nev Kwiqv `Lj cÖ`vb Kwiqv wbt¯^Z¡evb nb| D³ †bvqv ivRv Rgv`vi Ges Pvb fvby Ii‡d Pv›` fvby 20/03/1923Bs Zvwi‡Li †iwRtK…Z 2532bs wej GIqvR †nev bvgv `wjj g~‡j D³ mvc`x †gŠRvi wm.Gm. 422 LwZqv‡bi †gvt .55 GKi m¤úwËmn `~M©v`x †gŠRvi K‡ZK m¤úwË ZØxq Kb¨v m~h©¨evby‡K ‡nev Kwiqv `Lj cÖ`vb Kwiqv wbt¯^Z¡evb nb|
   3. cÖvKewY©Z g‡Z Bgvb Avjx Rgv`vi mvc`x †gŠRvi wm.Gm. 422 LwZqv‡b .8340 GKi f~wg‡Z gvwjK, `LjKvi \_vKve¯’vq g„Zz¨Kv‡j †bvqvivRv Rgv`vi‡K wcZv, iv‡eqv LvZzb‡K GK ¯¿x, Ajx wgqv Rgv`vi‡K GK cyÎ Iqvwik ivwLqv †M‡j Zr Z¨vR¨ D³ m¤úwË‡Z ZØxq wcZv .1390 GKi, ¯¿x .10425 GKi, cyÎ .59075 GKi f~wg‡Z gvwjK `LjKvi nq|
   4. ewY©Zg‡Z †bvqvivRv Rgv`vi ZØxq cyÎ Bgvb Avjx Rgv`vi nB‡Z D³ †gŠRvi wm.Gm. 422bs LwZqv‡bi †gvt .1390 GKi f~wg‡Z gvwjK `LjKvi \_vKve¯’vq g„Zz¨Kv‡j Avn¤§` Avjx‡K GK cyÎ (1gv ¯¿xi Mf©RvZ), m~h©¨fvby‡K GK Kb¨v (2q ¯¿xi Mf©RvZ) Iqvwik ivwLqv †M‡j Zvnviv D³ m¤úwË‡Z ZØxq cyÎ Kb¨vMY gvwjK `LjKvi nq|
   5. cÖvKewY©Z AvgRv` Avjx Rgv`vi mvc`x †gŠRvi wm.Gm. 422 LwZqvb ‡gvt .8340 GKi f~wg‡Z gvwjK, `LjKvi \_vKve¯’vq g„Zz¨Kv‡j Avjx AvKei Rgv`vi Ii‡d Avjx GKveŸi Rgv`vi †K cyÎ Iqvwik ivwLqv †M‡j, ZrZ¨vR¨ D³ m¤úwË‡Z ZØxq cyÎ Avjx AvKei Rgv`vi Ii‡d Avjx GKveŸi Rgv`vi gvwjK `LjKvi nq|
   6. cÖvKewY©Z m~h©¨ fvby weMZ 13/08/1939Bs Zvwi‡L m¤úvw`Z I 25/08/1939Bs Zvwi‡Li †iwRtK…Z 2462bs wej GIqvR †nevbvgv `wjj g~‡j D³ wm.Gm. 422 LwZqv‡bi (.42 + .19) = .61 GKi m¤úwË mn Aci `~M©v`x †gŠRvi K‡ZK m¤úwË D³ Avjx GKveŸi Rgv`vi I Avjx wgqv Rvgv`vi‡`i †nev Kwiqv `Lj cÖ`vb K‡ib| D³ `wjj g~‡j Avjx GKveŸi Rgv`vi Ii‡d Avjx AvKei Rgv`vi D³ wm.Gm. 422 LwZqv‡bi †gvt .3050 GKi m¤úwË mn `~M©v`x †gŠRvi m¤úwË‡Z gvwjK `LjKvi nq|
   7. ewY©Z g‡Z D³ Avjx AvKei Rgv`vi Ii‡d Avjx GKveŸi Rgv`vi D³ `~M©v`x †gŠRvi Aci K‡ZK m¤úwË mn D³ mvc`x †gŠRvi D³ wm.Gm. 422 LwZqv‡b wcZv Iqvwik m~‡Î Ges wewfbœ `wjj g~‡j †gvt (.8340 + .2775 + .3050) = 1.4165 GKi fywg‡Z gvwjK `LjKvi nq| \*\*\*\*\*\*\*\*\*
8. ev`xc‡ÿi AviwRi ewY©Z, 422bs LwZqvbLvbv wm.Gm. LwZqvb b‡n| D³ 422bs LwZqvbLvbv †cwU LwZqvb nq| D³ †cwU 422 LwZqv‡bi wnm¨v wjwc fzj ågvZ¥K nq| Pv›` evby wnm¨v . Avbv As‡k †gvt .5550 GKi m¤úwËi gvwjK wQj bv| m~h©evb, Pv›` evby nB‡Z wnm¨v . Avbv As‡k †gvt .55 GKi m¤úwË‡Z gvwjK `LjKvi nq bvB| m~h©evb 422 LwZqv‡b .8325 GKi m¤úwËi gvwjK `LjKvi wQj bv| m~h©evb bvwjkx LwZqv‡b wej GIqvR ‡nev ev` .2225 GKi m¤úwËi gvwjK `LjKvi wQjbv| m~h©evby g„Zz¨Kv‡j Avnv¤§` Avjx‡K GKgvÎ ˆegv‡Îq fvB Iqvwik ivwLqv hvq bvB| Avnv¤§` Avjx m~h©evby nB‡Z .2225 GKi m¤úwË cÖvß nq bvB Ges †fvM `Lj K‡i bvB| dRj fvby bvwjkx LwZqv‡bi / Avbv As‡ki †gvt .2775 GKi m¤úwËi gvwjK `LjKvi wQj bv| dRi evby g„Zz¨Kv‡j Avnv¤§` Avjx‡K GKgvÎ m‡nv`i fvB Iqvwik ivwLqv hvq bvB| Avnv¤§` Avjx dRi fvby nB‡Z .2775 GKi m¤úwË cÖvß nq bvB Ges †fvM `Lj K‡i bvB| Avnv¤§` Avjx bvwjkx LwZqv‡b ৶ Avbv As‡k .8325 GKi f~wg‡Z dRi fvby .2775 GKi f~wg‡Z Ges m~h©evb wewe .2225 GKi m¤úwËi gvwjK `LjKvi wQj bv| D³ Avnv¤§` Avjx, dRi fvby Ges m~h©evb wewe 1.3325 GKi m¤úwËi gvwjK `LjKvi nq bvB I wQj bv| Avnv¤§` Avjx 09/06/1953Bs Zvwi‡Li wej GIqvR †nevbvgv `wjj g~‡j iRe Avjx Rgv`vi I Avt †gvZv‡je Rgv`vi‡K bvwjkx LwZqv‡b 1.39 GKi m¤úwË mn Ab¨vb¨ m¤úwË †nev K‡i bvB Ges `Lj eySvBqv †`q bvB| Avt †gvZv‡je D³ wej GIqvR †nevbvgv `wjjg~‡j bvwjkx LwZqv‡b .6950 GKi f~wg‡Z gvwjK `LjKvi nq bvB I \_v‡K bvB| †gvZv‡je bvwjkx LwZqv‡b .72 GKi m¤úwË cÖvß nq bvB| †gvZv‡je bvwjkx LwZqv‡b n¯ÍvšÍiev` .63 GKi f~wg‡Z gvwjK `LjKvi nq bvB| Avt †gvZv‡je mij cÖK…wZi †jvK b‡n I wQj bv| Avt †gvZv‡je Ab¨vb¨ Askx`vi MY‡K Zvnvi bv‡g Zvnvi m¤úwË we.Gm. †iKW© KivBevi `vwqZ¡ †`q bvB| Avt †gvZv‡je Gi IqvwikMY Z\_v ev`xMY bvwjkx LwZqv‡b .63 GKi m¤úwËi gvwjK †fvM `LjKvi nq bvB I †fvM `Lj K‡i bv| bvwjkx we.Gm LwZqvb mg~n fzj ågvZ¥K I †eAvBbx LwZqvb b‡n| ev`xcÿ bvwjkx we.Gm. LwZqvb m¤ú©‡K bv Rvbvi AvwR©i Dw³ m¤ú~Y© wg\_¨v e‡U| Avt †gvZv‡j‡ei bv‡g Kg cwigvY m¤úwË †iKW© nq bvB| Avt †gvZv‡je `~M©v`x †gŠRv w`qv Av‡cvl e›U‡b ‡ewk m¤úwË wbqv cieZx©Kv‡j eû m¤úwË n¯ÍvšÍi Kwiqv †dwjqv‡Q| ev`xcÿ AvwR©i cÖv\_x©Z g‡Z †Kvb cÖwZKvi I DcKvi cvB‡Z ¯^Z¡evb b‡n| bvwjkx we.Gm. LwZqvb mg~n mwVK ï× LwZqvb b‡n| `~M©v`x †gŠRv w`qv †bvqvivRv Rgv`v‡ii eû m¤úwË wQj| bvwjkx we.Gm. .............bs LwZqvb Lvbv m¤ú~Y© mwVK I ï× LwZqvb nq| bvwjkx we.Gm. ..........bs LwZqvbLvbv fzj ågvZ¥K I †e-AvBbx LwZqvb b‡n| bvwjkx we.Gm. ..............bs LwZqv‡b ev`xcÿ m¤ú~Y©iƒ‡c wbt¯^Z¡evb `Ljnxb Z…Zxq e¨w³ nq| bvwjkx we.Gm. ..............bs LwZqv‡bi m¤úwË AÎ weev`xM‡Yi gvwjKx †fvM `Ljxq m¤úwË nq| ev`x cÿ bvwjkx we.Gm. ............. bs LwZqv‡bi weiæ‡× Rwic Awdm †Kvb 30 avivi AvcwË 31 avivi Avcxj †gvKÏgv ev †Kvb Dispute ‡`q bvB| ev`x c‡ÿi AvwR©i ewY©Z Cause of action wg\_¨v e‡U| ev`xc‡ÿi AviwR‡Z †h eskµg, div‡qR, wnmve-wbKvk I `vexi weeiY cÖ`vb Kwiqv‡Q, Zrmgy`q wg\_¨v e‡U| ev`xcÿ AÎ †gvKÏgvq AvBbZt I b¨vqZt cÖv\_x©Z cÖwZKvi I DcKvi cvB‡Z ¯^Ë¡evb b‡n| ev`xc‡ÿi AÎ †gvKÏgv `v‡qi Kivi †Kvb Locus Standie bvB wQj bv| bvwjkx m¤úwËi wm.Gm LwZqvb bs ............nq| ev`xcÿ D³ wm.Gm. ..............bs LwZqvb nB‡Z D³ LwZqv‡b †iKWx©q m¤úwËi ‡Kvb wnmve wbKvk AvwR©‡Z wjwce× K‡i bvB|
9. AÎ wjwLZ eY©bvi ¯úó ¯^xK…Z welq e¨ZxZ fv‡ei wecix‡Z AviRxi †Kvb Dw³ AÎ weev`xMY ¯^xKvi K‡i bv|
10. eµx GW‡fv‡KU evPwbK wb‡ew`Z nB‡e|

AZGe cÖv\_©bv, ewY©Z KviYvax‡b ûRyi `qv ci‡e‡k ev`xc‡ÿi AÎ wg\_¨v †gvKÏgv gq LiP wWm&wgm& KiZt mywePvi Kwi‡Z ûRy‡ii gwR© nq| BwZ, Zvs-

mZ¨cvV

AÎ wjwLZ eY©bvi hveZxq weeiY Avgvi Ávb I wek¦vmg‡Z mZ¨| AÎ mZ¨Zvq wb‡¤œ wbR bvg ¯^vÿi Kwijvg|