‡gvKvg hyM¥ †Rjv RR 2q Av`vjZ, Puv`cyi|

‡gvt

wewea Avcxj

Avjnv¾ Ave`yj gvbœvb gvj ............cÖv\_x©|

ebvg =Avcx‡j›U=

AvLZvi †nv‡mb Lvb Ms ..........cÖwZcÿ|

=‡imcb‡W›U=

Synopsis of Arguments:-

cÖv\_x© Avcx‡j›U c‡ÿ wb‡e`b GB:-

1. Avcx‡j›U cÖv\_x© nBqv weÁ Puv`cyi m`i mnKvix RR Av`vj‡Z bvwjkx 942 `v‡Mi †gvt .0720 GKi m¤ú‡K© wewea wcÖ‡qgkb 05/2009bs †gvKÏgv `v‡qi K‡i| D³ †gvKÏgv `v‡qi Kwiqv cwiPvjbv KivKvjxb 1bs cÖwZcÿ †`t Kvt wet AvB‡bi 7 Av‡`‡ki 11(wW) iæ‡ji weavb g‡Z GK `iLv¯Í `vwLj K‡i| D³ `iLv¯Í ïbvwb A‡šÍ weMZ 08/09/2009Bs Zvwi‡L AviwR bv‡Kv‡Pi Av‡`k cÖPvwiZ nq| D³ Av‡`‡ki Am¤§wZ‡Z cÖv\_x© AÎ bs wewea Avcxj †gvKÏgv `v‡qi Kwiqv cwiPvjbv Kwiqv Avwm‡Z‡Q| weÁ wb¤œ †KvU© Zuvnvi cÖ`Ë Av‡`‡k D‡jøL K‡ib ÒcÖRv¯^Z¡ AvB‡bi 2006Bs m‡bi 34bs AvB‡b 96(1) avivq D‡jøL Av‡Q “Provided that no application under this section shall lie unless the applicant is a co-sharer tenant in the holding by in-heritance” D³iƒc Av‡`k Øviv cÖv\_x© AvcxjKvixi Ac~iYxq ÿwZ I Awb‡ói KviY e‡U|

Pjgvb cvZv- 02

AÎ †gvKÏgvi cÖv\_x© I we‡µZv 2/3bs cÖwZcÿ †imcb‡W›U Ges 4/5bs †gvKv‡ejv cÖwZcÿ †imcb‡W›U ˆea cY cÖe„wËg~jK QvcKejv `wjjg~‡j bvwjkx 942 `v‡M †gvt .18 GKi f~wg Lwi` Kwiqv Dnv‡Z gvwjK `LjxKvi nq|

cieZx©‡Z LwiÏviMY GK‡hv‡M cÖRv¯^Z¡ AvB‡bi 117 avivi weavb g‡Z bvgRvix I Rgv LvwiR Kwiqv LvwiRx 622bs LwZqvb cÖvß nBqv GKwÎZfv‡e cÖv\_x© Avcx‡j›U I 2-5bs †imcb‡W›UMY ‡hŠ\_fv‡e GRgvwj‡Z †fvM `Lj Kwiqv Avwm‡Z \_v‡K I i‡n| cÖv\_x© AvcxjKvix Ges 2-5bs †imcb‡W›U D³ 622bs LwZqv‡bi mn-kixK cÖRv e‡U| GKRb mn-kixK cÖRv wnmv‡e D³ f~wg‡Z cÖv\_x© AvcxjKvix emZevox wbg©vYmn cwievi cwiRb wbqv emev‡mi D‡Ï‡k¨ D³ f~wg Zvnvi GKvšÍ Avek¨Kxq f~wg e‡U| †mB wnmv‡e cÖv\_x© g~j †gvKÏgv `v‡qi K‡i| 2006Bs m‡bi 96 aviv ms‡kva‡bi †cÖwÿ‡Z 622bs LwZqv‡bi GKRb mn kixK wnmv‡e wc‡qgkvb cvIqvi AwaKvix e‡U|

1. D³ 96(1)(we) Dcavivi weavb g‡Z- ÒA person to whom sale of the holding or the portion or share thereof, as the case may be can be made under section 90; D³ Dcavivi weavb g‡Z cÖv\_x© AvcxjKvix wcÖ‡qgkb †gvKÏgvq cÖwZKvi cvB‡Z ¯^Z¡evb e‡U|
2. ‡h‡nZz cÖv\_x© AvcxjKvix bvwjkx f~wg‡Z Ni `iRv D‡Ëvjb Kwiqv Z\_vq we`y¨r ms‡hvM, M¨vm ms‡hvM BZ¨vw` ¯’vcb Kwiqv Z\_vq cwievi cwiRbmn emevm Kwiqv Avwm‡Z‡Q| hvnv ¯’vbxq cwi`k©b Gi gva¨‡g cÖgvwbZ nBqv‡Q| weÁ GW: Kwgkbvi Rbve BDQzd Avjx mv‡n‡ei weMZ 03/06/2009Bs Zvwi‡L `vwLjx Kwgkb wi‡cvU© nB‡Z cÖgvwbZ nq|

AZGe cÖv\_©bv, Dc‡iv³ Ae¯’v I Kvi‡Y cÖv\_x© Avcx‡j‡›Ui A\_© Avcxj †gvKÏgv gÄyi µ‡g mywePvi Kwi‡Z gwR© nq| BwZ Zvs-