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

`t †gvt bs- 16/2018Bs

‡gvt gbni Avjx, wcZv- g„Z nK MvRx, mvs- Puv`cyi nvj mvs- KvwQqvov, \_vbv- dwi`MÄ, †Rjv- Puv`cyi|

...........cÖv\_x©|

ebvg

Avt ie, wcZv- g„Z Avt ingvb, mvs- Puv`cyi, \_vbv- dwi`MÄ, †Rjv- Puv`cyi Ms

...............cÖwZcÿ|

**welq: 2bs cÖwZcÿ c‡ÿ wjwLZ Reve|**

**aviv- ‡dŠRavix Kvh©wewa AvB‡bi 145 aviv**

2bs cÖwZcÿ c‡ÿ `iLv‡¯Í webxZ wb‡e`b GB †h,

1. cÖv\_x©c‡ÿi AÎ †gvKÏgvi hveZxq weeiY GKQvo wg\_¨v, ZÂKZvg~jK, †hvMmvRmx, D‡Ïk¨ cÖ‡Yvw`Z, m‡Z¨i wecixZ nqivYxKi e‡U|
2. cÖv\_x©i GB bvwjk Kivi wKQz gvÎ ˆea Kvib wK AwaKvi bvB I \_vwK‡Z cv‡i bv|
3. eZ©gv‡b AvKv‡i I cÖKv‡i cÖv\_x© AÎ bvwjk APj e‡U|
4. cÖv\_x©i bvwj‡ki Cause of action m¤ú~Y© wg\_¨v e‡U|
5. bvwjkx `iLv‡¯Íi bvwjkx f~wg‡Z ¯^Z¡ `Ljnxb cÖv\_x©i AÎvKv‡i AÎ bvwjk mivmwi APj e‡U|
6. AÎ †gvKÏgvi 1bs cÖwZcÿ nviæb eZ©gv‡b †mŠw` Avi‡e emevm K‡i| 1bs cÖwZc‡ÿi weiæ‡× AvbxZ Awf‡hvMB cÖgvY K‡i cÖv\_x©i Awf‡hvM m¤ú~Y© wg\_¨v e‡U|
7. cÖv\_x©i bvwj‡ki Kw\_Z g‡Z cÖwZcÿMY fxlY `yó, `y`©všÍ, AvBb Av`vjZ‡K we›`ygvÎ †Zvqv°v Kiv wK; bvwjkx f~wgi cÖv\_x© gvwjK I `LjKvi nIqv wK; †Rjv Puv`cyi dwi`MÄ \_vbvi GjvKvaxb 274bs fvwUqvjcyi †gŠRvi wm.Gm. 78, hvnv Gm.Gm. 66, `vM bs 293, 338, 343 I wm.Gm. 79 LwZqvb Gm.G. 67 LwZqvb `vM bs- 337, hvnvi we.Gm. 87 LwZqvb, we.Gm. `vM 285/450/469/471 hvnvi Rgv LvwiR LwZqvb bs- 347, `vM bs- 293, 337, 338| D³ 3wU `v‡M †gvU 15 kZK bvwjkx f~wg cÖv\_x©i wfUv evox I evMvb evox Kwiqv Avwm‡Z‡Q wK; cÖwZcÿMY bvwjkx f~wg‡Z Z…Zxq e¨w³ nIqv wK; cÖwZcÿ weMZ 02/01/2018Bs ZvwiL †ivR g½jevi mgq Abygvb mKvj 9.00 NwUKvi mgq cÖv\_x© bvwjkx f~wg †`Lvïbv Kwi‡Z †M‡j bvwjkx f~wgi cv‡k¦© BU, evjy I `vjvb Kivi cÖ‡qvRbxq miÄgv`x †`wL‡Z cvBqv cÖwZcÿMY‡K wRÁvmvev‡` cÖwZcÿMY fxlY D‡ËwRZ I wÿß nBqv cÖv\_©x‡K Avµg‡b D`¨Z nq wK; cÖv\_x©i WvK wPrKv‡i w`‡j mvÿxMY †`ŠovBqv Avmv wK; cÖwZcÿM‡Yi Øviv cÖv\_x© f~wg †e`Lj nIqv cÖv\_x©‡K †`Iqv Ggb Dw³ ¸wj m¤ú~Y© wg\_¨v, D‡Ïk¨ g~jK Ges m‡Z¨i wecixZ e‡U| GB DËiKvix cÖwZcÿMY cÖv\_x©i AvwR©i BZ¨Kvi hveZxq Dw³ ¸wj AZ¨šÍ `„pZvi mwnZ A¯^xKvi I P¨v‡jÄ K‡i|
8. cÖK…Z K\_v GB †h, bvwjkx mv‡eK 274 nvj 101bs fvwUqvjcyi †gŠRvi wm.Gm. 78bs LwZqv‡b wewfbœ `v‡Mi A›`‡i 1.6400 (GK GKi ‡PŠlwÆ kZvsk) f~wg mgvb As‡k Lwi`xq gvwjK 1) dzjRvb wewe, 2) dv‡Zgv LvZzb| D³ dv‡Zgv LvZzb gvwjK I `LjKvi \_vwKqv weMZ 01/12/1984Bs Zvwi‡L 9597/84bs `wjj g~‡j Ges 19/05/1985Bs Zvwi‡L 3561/85bs `wj‡j Gm.G. 66bs LwZqvbfz³ 293bs `v‡Mi gvwjK I `LjxKvi \_vwKqv †jvKgvb Xvjxi wbKU n¯ÍvšÍi K‡ib| hvnv we.Gm. Rwi‡ci mv‡eK 293bs n‡Z iƒcvšÍwiZ nvj we.Gm. 483 G 10 kZvsk Ges 485 G 5 kZvsk †gvU 15 kZvsk f~wg †jvKgvb Xvjxi bv‡g AšÍ©fy³ nq Ges †jvKgvb Xvjx D³ `wjj g~‡j gvwjK I `LjxKvi \_vwKqv weMZ 27/03/1907 mv‡j 1696/07bs `wjj g~‡j Gm.G. 66bs, we.Gm. 271bs LwZqvbfz³ mv‡eK 293bs nvj we.Gm. 483 `v‡M AvjgMxi †iŠkb Aviv †eMg Gi cÖ‡Z¨‡Ki bv‡g 5 kZvsk K‡i †gvU 10 kZvsk Ges 485 `v‡M 2 kZvsk K‡i †gvU 5 kZvsk f~wg we.Gm. 483 I 485 `v‡M me©‡gvU `yBR‡bi wbKU 15 kZvsk f~wg n¯ÍvšÍi K‡i| AvjgMxi †nv‡mb I ‡iŠkbviv †eMg Lwi` m~‡Î gvwjK I `LjKvi nq|
9. AvjgMxi †nv‡mb 7 kZvsk f~wgi gvwjK I `LjKvi \_vwKqv weMZ 10/05/2010Bs Zvwi‡L 3690/10bs `wjj g~‡j Gm.G. 66bs we.Gm. 271bs LwZqv‡b 293bs nvj we.Gm. 483bs `v‡M 5 kZvsk f~wgi nviæb Ai iwk` Gi wbKU wewµ K‡i wbt¯^Z¡evb nq| Lwi`xq gvwjK I `LjKvi nviæb Ai iwk` AÎ gvgjvi 1bs cÖwZcÿ| nviæb Ai iwk` gvwjK I `LjKvi \_vwKqv 398bs LvwiR LwZqvb K‡ib|
10. ‡iŠkbviv †eMg f~wgi gvwjK I `LjKvi \_vwKqv wm.Gm. 293 we.Gm. 483 `v‡Mi A›`‡i 5(cuvP) kZK Ges we.Gm 485 `v‡Mi Av›`‡i 2 (AvovB kZK) †gvU (5 + 2) = 7 kZK f~wg weMZ 11/03/2000Bs 1096/2000bs mvdKejv `wjj g~‡j †gvmv¤§r Lvw`Rv Av³vi Gi wbKU †nev g~‡j n¯ÍvšÍi K‡i| ‡gvmv¤§r Lvw`Rv Av³vi gvwjK I `LjKvi \_vwKqv weMZ 09/08/2015Bs Zvwi‡L 5644/15bs `wjj g~‡j wm.Gm. 293, we.Gm. 483 `v‡M 5 kZK Ges we.Gm. 485 `v‡M 2 kZK| D³ 483 Ges 485 `vM mg~‡ni A›`‡i me©‡gvU 7 (mv‡o mvZ) kZvsk f~wg Iqvjx Dj¨v Gi wbKU wewµ Kwi‡j Iqvjx Dj¨v gvwjK I `LjxKvi nBqv, gvwjK I ‡fvM `LjKvi \_vwKqv bvgRvix I RgvLvwiR LwZqvb bs 371 Kwiqv weMZ 16/10/2017Bs Zvwi‡L mvdKejv 6879bs `wjj g~‡j wm.Gm. 293 (`yB kZ wZivbeŸB) `vM we.Gm. 483 (Pvi kZ wZivwk) `vM D³ `v‡Mi A›`‡i †gvU 5(cuvP) kZvsk f~wg Avt ie I bvmwib ie Gi wbKU wewµ Kwiqv wbt¯^Z¡evb nb| Avt ie AÎ †gvKÏgvi 2bs cÖwZcÿ Ges bvmwib ie

2bs cÖwZc‡ÿi ¯¿x e‡U| D³ `v‡M cÖwZcÿM‡Yi LvwiR LwZqvb 398 nq| Bnv nB‡Z cÖZxqgvb nq cÖv\_x© bvwjkx f~wg gvwjKvbvnxb Z…Zxq e¨w³ e‡U| Z\_vwcI cÖv\_©xi bvwjkx f~wg Avi cÖwZc‡ÿi `Ljxq f~wg GK bq| wKš‘ cÖv\_©x Ab¨vq fv‡e nqivYx Kivi Rb¨ cÖwZcÿ M‡Yi gvwjKxq I `Ljxq Rwg wb‡q we‡iva m„wó Kwiqv Avwm‡Z‡Q| †mLv‡b cÖwZcÿM‡Yi wm.Gm. 293bs nvj `vM we.Gm. 483bs `v‡M 10(`k) kZK f~wg‡Z ¯’vqx cvKv wbg©vbvaxb wewìs|

1. eµx evPwbK cÖwZcÿ c‡ÿ wb‡qvwRZ weÁ †KŠïjx mv‡ne KZ…©K ïbvbxKvjxb mg‡q wb‡ew`Z nB‡eK|

AZGe, webxZ wb‡e`b ûRyiv`vjZ `qv cÖKv‡k Dc‡iv³ Ae¯’v I KviYvax‡b b¨vq I mywePv‡ii ¯^v‡\_© cÖwZcÿ c‡ÿ AÎ `vwLj Reve MÖnY c~e©K cÖv\_x© I cÖwZcÿ c‡ÿ ïbvbx A‡šÍ cÖv\_x©i bvwjkx `iLv¯Í bw\_fzw³i Av‡`k `v‡b Ges cÖwZcÿ‡K AÎ †gvKÏgvq KviY `k©v‡bvi `vq nB‡Z Ae¨vnwZ `v‡bi Av‡`k `v‡b mywePvi Kwi‡Z ûRy‡ii gwR© nq| BwZ Zvs-