

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE. O A 194 OF 1988

NAME OF THE PARTIES *K. S. Ram* Applicant

Versus

..... *Union of India* Respondent

Part A.

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CERTIFICATE


Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated *4/01/2012*.

Counter Signed.....



Section Officer/In charge


Signature of the
Deputing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD (Circuit Bench)
Lucknow

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INDEX-SHEET

CAUSE TITLE Reg. No. 194 - OF 1938 (L)

Name of the Parties Kesava Ram

Versus

Union of India and others.

Part A, B & C

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A2/L

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCENO.

O.A./T.A. No. 194 1988 (U)

Kesko Ram

Applicant(s)

Versus

U O - 1

Respondent(s)

Sr. No.	Date	Orders
		No sitting, Adjourned to 20-12-00 for admission.
	20/12/00	No sitting, Adjourned to 23-12-00 for admission. h 20/12
	23/12/88	No sitting, Adjourned to 24-1-89 for admission. Perm 23/12
	13-1-09	<p><u>Hon. A. Sri, A.M</u></p> <p>On this application a prayer is being made for the execution of judgement dt 3/10/05 given by the VII^{VIII} Adell Civil ^{Suit} manef judge, Luceno allowing the order of the plaintiff in suit no. 102²⁴⁹ of 02. The application is the nature of execution proceedings. The learned Counsel wants time to study law in regard to jurisdiction of the Tribunal for entertaining as well also maintainability. Application is allowed. Put up this case for hearing on admission on 23-1-09.</p> <p>h 13/11</p>

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.2.

2. So far as the present application is concerned, it is in the nature of an execution application and this Bench has repeatedly held that such applications are not maintainable under the Act and if at all the execution proceedings are to be taken by the Courts passing the decrees before the establishment of the Tribunal. Similar view has been taken by this Bench in Chandra Bhan Vs. Union of India and another (Registration O.A.No.193 of 1988(L)) decided today and for the reasons recorded therein, we hold that this petition is not maintainable.

3. The petition is accordingly dismissed in limine.


MEMBER (J)


MEMBER (A)

Dated: 24.1.1989
kkb.

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD, CIRCUIT BENCH, LUCKNOW.

Filed 27.X.88

To be listed on 24.11.88

Applicant.

J.R.(J)

Kesho Ram

Versus

Union of India and .. Respondents.
another.

FORM - I
(See rule 4)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985

For use in Tribunal's Office:

Date of filing -----

or

Date of receipt -----
by post.

Registration No. -----

Handwritten notes on the left margin:
- 24/11/88
- 27/10/88
- H.S.K.

84/2

In the Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow.

Kesho Ram Applicant.

Versus

Union of India & Respondents.
another.

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Keshava Ram
Signature of the applicant.

(14/3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
Circuit Bench, Lucknow.

O. A. No.

of 1988.

Filed on 27.10.88
Televised on 24.11.88
DR(J)

Kesho Ram

Applicant:

Versus

Union of India & another

Respondents:

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985.

.....

DETAILS OF APPLICATION

1. PARTICULARS OF THE APPLICANT:

- (i) Name of applicant : Kesho Ram.
- (ii) Name of father : Late Raj Bahadur.
- (iii) Designation and office address in which employed : Mistry gr. II,
Ticket No. M-6,
Foundry Shop,
Locomotive Works,
Northern Railway,
Charbagh, Lucknow.
- (iv) Office address : - given as above -
- (v) Address for service of all notices : House no. 269/305,
Birhana, Joshi Tola,
LUCKNOW.

...2.

Keshwarau

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2. PARTICULARS OF RESPONDENTS:

- (i). Name/or designation :) 1. Union of India,
of respondents.) through the General
) Manager, Northern,
) Railway, Baroda -
) House, NEW DELHI.
)
-) 2. Chief Works Manager,
) Northern Railway,
) Locomotive Works,
) Charbagh,
) LUCKNOW.
- (ii). Office address of :
respondents.
- (iii). Address for ser -
vice of all notices:

3. PARTICULARS OF ORDERS AGAINST WHICH APPLICATION IS MADE.

Since the applicant's representation dated 27.8.1987 has not been decided and notice dated 18.6.1988 disposed of by the respondents, there is no impugned order.

SUBJECT IN BRIEF:

For implementation of judgment and decree dated 10.1.1985 passed by the VIII th. - Additional Munsif, Lucknow in Suit No. 249 of 1981 (Kesho Ram Versus Union of India and others).

Kesho Ram

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4. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

5. LIMITATION:

That the applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

6. FACTS OF THE CASE:

(i). That in the year 1981, the applicant filed a regular suit (Suit no. 249 of 1981) against the respondent no.1 and 18 others junior staff, who, in supercession of the applicant, were promoted as Highly Skilled gr. I and Mistry gr. I, in the court of Munsif Haveli, Lucknow. The said suit, under the orders of the District Judge, Lucknow, was transferred in the court of VIII th. Additional Munsif, Lucknow for disposal.

(ii). That the aforesaid suit was contested by the respondents at every stage.

(iii). That on 10.1.1985, the learned

Keshava Rao

Viii th. Additional Munsif, Lucknow, decided the case in favour of the plaintiff with the orders that he, on appearing in the test, is entitled for being considered for promotion to the post of Highly Skilled grade I Moulder/ Mistry grade I and if he passes the said requisite trade test in first attempt, he should be brought on such seniority position which he would have found had he been allowed to appear in the test alongwith the defendants nos. 2 to 18 and passed the same. True photo stat copy of judgment dated 10.1.85 is filed as ANNEXURE A-1 to this application.

Annexure no. A-1.

(iv). That against the aforesaid judgment and orders, the respondent no. 1 filed an appeal in the court of District Judge, Lucknow. It was numbered as Civil Appeal No. 43 of 1985.

(v). That in the month of Agust, 1987, the applicant came to know that the aforesaid regular Civil Appeal was dismissed by the District Judge, Lucknow.

(vi). That thereafter, the applicant, by means of a representation dated 27.8.1987, which was received in the office of the respondent no.2 on 28.8.1987, requested the respondent no. 2 to take action as per judgment of the court (Annexure no. A-1). A true photo stat copy of the said representation dated 27.8.1987 is being filed herewith as ANNEXURE NO. A-2 to this application.

Annexure no. A-2.

(vii). That alongwith the aforesaid representation (Annexure no. A-2), the applicant also

Keshava Rao

By
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filed certified copy of judgment dated 10.1.85 (Annexure no. A-1). Through the said representation, it was also informed to the respondent no. 2 that the regular Civil Appeal filed by the Union of India was also dismissed by the District Judge, Lucknow.

(viii). That the respondents maintained complete silence on the representation of the applicant and also did not file any other appeal in the competent court against the orders of the District Judge, Lucknow dismissing the Civil appeal filed by the respondent no. 1. Thus the judgment dated 10.1.1985 (Annexure no. A-1) stood confirmed.

(ix). That 29.4.1988, the applicant gave a reminder to the respondent no.2 clearly bringing out that if the judgment and decree of the Hon'ble Court (Annexure no. A-1) was not implemented, he would have no option but to proceed according to law. A true photo stat copy of the said reminder dated 29.4.1988 is being filed herewith as ANNEXURE NO. A-3 to this application.

Annexure no. A-3.

(x). That when no action was taken by the respondents on the aforesaid representation and reminder, the applicant sent registered notices to the respondents on 18.6.1988 through his counsel calling upon them to implement the judgment and decree of the court (Annexure no. A-¹~~4~~) within one month to avoid litigation. The said notices

Keshava Ram

Annexure nos.
A-4 to A-7.

were served on the respondents on 20.6.1988. True photo stat copies of the notice dated 18.6.1988, postal receipts and the acknowledgments of respondents nos. 1 and 2 are being filed herewith as ANNEXURE NOS. A-4, A-5, A-6 and A-7 respectively to this application.

(xi). That till today, the respondents have neither implemented the judgment (Annexure A-1) nor decided the applicant's representation dated 27.8.1987 despite reminder and notices given to them. They have been maintaining complete silence over the matter and are continued in disobeying and disregarding the court's orders without any ground or justification.

(xii). That the applicant had already suffered substantial loss and further losses are continued due to non-implementation of the courts orders.

(xiii). That the action of the respondents in not implementing the courts judgment/orders is wholly illegal rather arbitrary and against rules.

7. RELIEF SOUGHT:

In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs :-

Kashonallam

(a) That this Hon'ble Tribunal be

pleased to direct the respondents to implement the judgment dated 10.1.1985 (Annexure no. A-1) in its true spirit with all consequential benefits within a reasonable time of one month from the date of order.

- (b) Cost of the application may also kindly be awarded to the applicant.

Grounds:

- (i) That after the dismissal of the respondent's appeal by the District Judge, the judgment of the Trial Court stood confirmed.
- (ii) That the action of the respondents in not implementing the judgment (Annexure no. A-1) is wholly illegal, without any authority and arbitrary in law.

8. INTERIM ORDER, IF PRAYED FOR.

In the facts and circumstances of the case, no interim order is prayed for.

9. DETAILS OF THE REMEDY EXHAUSTED:

The applicant declares that he

Keshava Ram

has availed of all remedies available to him under the relevant rules of service e.t.c.

10. MATTER NOT PENDING IN ANY OTHER COURT etc.

The applicant further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

11. PARTICULARS OF THE POSTAL ORDERS IN RESPECT OF THE APPLICATION FEE.

1. No. of Indian Postal order (s). DD 822091
2. Name of issuing post office. G.P.O. Lko.
3. Date of issue of Postal order. 24-10-88
4. Post office at which payable. _____

12. DETAILS OF INDEX:

An index in duplicate containing the details of documents to be relied upon is enclosed.

13. LIST OF ENCLOSES:

- (1) Photo stat copy of judgment dated 10.1.85

Keshararam

(9)

(Handwritten mark)
11

passed by VIII th. Additional Munsif,
Lucknow in Regular Suit No. 249 of
1981 (Kesho Ram Versus Union of India).

- (2). Photo stat copy of representation dated 27.8.1987.
- (3) Reminder dated 29.4.1988 (photo stat copy).
- (4). Photo stat copy of legal notice dated 18.6.88.
- (5). Photo stat copy of Postal Receipts nos. 889 and 900 dated 18.6.1988.
- (6) Photo stat copy of acknowledgment dated 20.6.1988 of respondent no. 1.
- (7) Photo stat copy of acknowledgment of respondent no. 2.

Verification:

I, Kesho Ram, son of Late Raj Behadur, resident aged about 49 years, resident of House No. 269/305, Birhana, Joshi Tola, Lucknow (UP), do hereby verify that that the contents of para 1 to 13 of this application are true to my knowledge and belief and that I have not suppressed any material fact.

Place: Lucknow:
Dated -10-1988.

Kesho Ram
Signature of the applicant.

To,

The Registrar,
Central Administrative Tribunal,
Circuit Bench, Lucknow.

1. The applicant is a highly skilled grade II workman in the post of ...
 2. He has been working in the post of ...
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Keshava Ram Attested/True Copy
 L. P. SHUKLA
 Advocate

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Keshava Ram
 Attested/True Copy
 L. P. SHUKLA
 Advocate

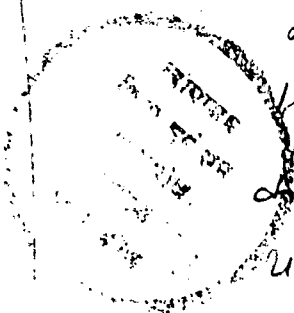
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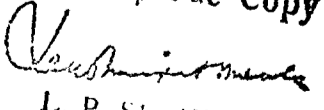
Attested/True Copy
L. P. SHUKLA
Advocate

Kesharwala

The family of a skilled workman has
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 workman and has been working in
 the same job for a long time.

Keshavnagar

Attested/True Copy

 L. P. SHUKLA
 Advocate

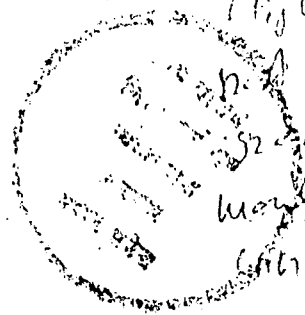
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Attested/True Copy

L. P. Shukla

L. P. SHUKLA
Advocate

Keshavnagar

29
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यदि यह प्रमाण है कि जो Seniority का प्रश्न
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ए. प्रमाण है कि
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प्रमाण

Copied by
Copied by

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प्रमाण
21.10.15
प्रमाण प्रमाण प्रमाण
प्रमाण

Keshava Ram

Attested/True Copy
L. P. SHUKLA
Advocate

28

(Signature)

ANNEXURE NO... A-2

To:

The Addl. C.M.S. (W)
N. Rly. Loco Shop, C.D.
Lucknow.

Reference: Suit No. 249 of 1981.

Keshava Ram Vs. Union of India and others.

Court
In the Sudo of VIII Addl. Munsif Lucknow

Decided on 10.1.1985.

Sir,

I am enclosing herewith certified copy of judgment dated 10.1.1985 delivered in the abovenoted suit filed by me. The suit stands decreed in favour of the undersigned in the manner as indicated in the order.

I have also come to know that regular Civil appeal no. 43 of 1985 filed by the Union of India against the judgment and decree dated 10.1.1985 also stands dismissed on 19.12.1985.

It is very surprising that no action has been taken in my case as ordered by the court which amounts to disobedience and disregard of the court's judgment.

It is, therefore, requested that the matter may kindly be looked into and further necessary action may be taken as per judgment of the court without any delay.

Thanking you.

Lucknow Dated: 27.8.87

Your's faithfully

K. R. Srivastava
(K. R. Srivastava)

M-6

Country shop Loco, C.D.
Lucknow.

Enclosure

Certified copy of Judgment
Page 1 to 18 of Trial Court
dated 10.1.1985.

Attested/True Copy

Keshava Ram

(Signature)

L. P. SHUKLA
Advocate

*Recd. & sent to APO on date of 28/8/87
31/8/87
28/8/87
SSP/...*

LN. F/2/87 delivered to Chandrovali by Dak house

The C. W. D.,
Northern Railway,
Locomotive Works,
Charbagh, Lucknow.

ANNEXURE NO. A-3

29
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38

Sub : Non Implementation of judgment and
decree dated 10.1.1985 passed by VIII
Addl. Munsif, Lucknow in suit No. 249
of 1981 Kesh Ram Versus Union of India
and others.

Sir,

Most respectfully I, through this representation,
finally draw your kind attention towards the judgment
and decree mentioned above which is being disobeyed,
disregarded and flouted without any reasonable cause
or justification. The judgment and decree of the Hon'ble
Court, despite several requests and representations,
have yet not been implemented and the relief granted
by the Hon'ble Court has yet not been given to me
though the appeal filed by the Railway Administration
against the said judgment and decree also stands dis-
missed. Thus the action of the administration amounts
to contempt of court's orders.

It is, therefore, once again requested that
if within a reasonable time of one month, the judgment
and decree of the Hon'ble Court is not implemented in
their true sense and spirit, I shall have no option
but to proceed according to law and in that an appli-
cation for contempt of court's orders will also be
moved.

I hope that your goodself, by honouring the
court's judgment and decree, will avoid the situation
of un-necessary litigation.

Thanking You.

Yours faithfully,

are h R Srivastava
(Kesh Ram Srivastava) mb
M-6, Foundry shop, loco/GB/lko.

Attested/True Copy
Dated 29-4-1988

L. P. SHUKLA
Advocate

Copy Superintendent (H.O.)
N. Ry. Loco Cb, Lucknow

Keshava Ram

Recd
29/4

Clem
RPS
For forwarded
[Signature]

From :
M. Sultan, Advocate,
Deen Dayal Road,
Asharfabad,
Lucknow.

30
A4
32

ANNEXURE NO. A-4

To,

1. The Union of India,
through the General Manger,
Northern Railway, Baroda House,
NEW DELHI.
2. The C.W.M.,
Northern Railway,
Locomotive Works,
Charbagh,
LUCKNOW.

Dear Sirs,

Under instructions from my client Keshva Ram -
Srivastava, T. No. M-6, Foundry Shop, Loco Charbagh,
Northern Railway, Lucknow, I have to give you the following
notice :-

(1) That my abovenamed client had filed a suit
(Suit No. 249 of 1981- Kesho Ram Versus Union of India
and others) for declaration, in the Munsif Court at Lucknow
and the same was decreed by VIII Addl. Munsif, Lucknow
on 10.1.1985.

(2) That the appeal filed by the Union of India
in the court of District Judge, Lucknow (R.C.A. No. 430
of 1985) was also dismissed on 19.12.1985.

(3) That thereafter, the union of India has neither
filed the 2nd. Appeal in the competent court of jurisdictri
nor has obtained any stay order from any court staying the
operation of the aforesaid decree passed by the learned
VIII Additional Munsif, Lucknow in the said suit.

(4) That my client had already submitted the judg-
ment and decree of the aforesaid learned Munsif in the
office of the C.W.M., Northern Railway, Locomotive Works,
Charbagh, Lucknow for implementation.

Attended/True Copy

[Signature]
L. P. S.
Advocate

[Signature]
Keshava Ram

5). That despite several requests and reminders, the aforesaid judgment and decree of the learned VIII - Additional Munsif, Lucknow has neither been implemented nor any ~~any~~ reason therefor communicated to my client.

6. That in the circumstances mentioned above, the orders of the Hon'ble Court are being disregarded, disobeyed and flouted by the officers of the Railway - Administration wilfully and deliberately without any authority of law.

In the facts and circumstances mentioned above, I have to inform you finally that if within one month of the receipt of this notice, the orders of the Hon'ble Court as contained in the judgment and decree dated 10.1.1985 are not implemented in true spirits, my client shall have no option but to proceed according to law in the competent court of jurisdiction and shall also move an application for contempt of court's orders and damages as a consequence of the impugned acts, hence this notice.

Yours faithfully,

Munawar Sulta
(M. Sultan),
Advocate.

Dated 18-6-1988.

Attested/True Copy

Korara Ram

L. P. Shukla

L. P. SHUKLA
Advocate

32
A
26

ANNEXURE NO A-5

क्रमांक/No. 0000

आदेश का मूल्य रु. 650

Registered Insured
The Union of India
Charbhat
 (in words)

वजन (शब्दों में)
 Weight (in words)

तारीख-मोहर
 Date-stamp

प्राप्त किया / तारीख-मोहर
 Date-stamp

नेवासे अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

क्रमांक/No. 0000

आदेश का मूल्य रु. 650

Registered Insured
The Union of India
through the General Manager
N R N. S. S.
 (in words)

वजन (शब्दों में)
 Weight (in words)

तारीख-मोहर
 Date-stamp

प्राप्त किया / तारीख-मोहर
 Date-stamp

नेवासे अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

Attached/True Copy

K. Sharma

L. P. SHARMA
 Advocate

My
3/8

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

* प्राप्त ^{रजिस्ट्री} पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ क्रमांक/No.

* Received a ^{Registered} Letter/Postcard/Packet/Parcel ^{Insured}

To
पाने वाले का नाम } Union of India
Addressed to (name) } through the General Manager,
Northern Railway Parcel House,
NEW DELHI.

निजी के लिये (रुपयों में)

Insured for Rupees

निर्वाह की तारीख/Date of delivery.....198

अज्ञातवस्तु की तरह दिया जाए।

Score out the matter not required.

निजी के लिये केवल के लिए

For insured articles only

प्राप्त
20 JUN 1988
पाने वाले के हस्ताक्षर/Signature of addressee

NA

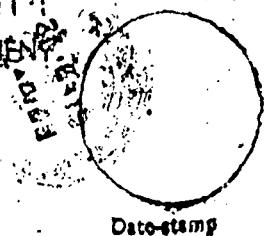
फॉर्म नो-54
R.P.54

भारतीय डाक-तार विभाग

तारीख/मोहर

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

प्रेषक डाकघर का नाम-मोहर/Name-stamp of office of posting



प्रेषक का पता/Sender's address

From:

M. Sultan, Advocate
Deen Dayal Road,
Ashrafabad, Lucknow.

पिन/PIN

□ □ □ □ □ □

MOIP No.—155 P. & T./85—18-10-85—1,00,00,000

Attested/True Copy

Kesharilal

L. P. SHUKLA

L. P. SHUKLA
Advocate

34

Am
36

ANNEXURE NO.....A-7

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

*एक ^{रजिस्ट्री} _{बोझ} पत्र/पोस्टकार्ड/किट/पार्सल प्राप्त हुआ क्रमांक/No.

*Received a ^{Registered} _{Insured} Letter/Postcard/Packet/Parcel

पाने वाले का नाम } To
Addressed to (name) } The C.W.M.
Northern Railway
Locomotive Works,
Charbagh, LUCKNOW.

बीमे का मूल्य (रुपयों में)
Insured for Rupees

वितरण की तारीख/Data of delivery.....198

किताब रखने की बात दिया जाए।

*Score out the matter not required.

किताब बोझ वस्तुओं के लिए

For insured articles only

पाने वाले के हस्ताक्षर/Signature of addressee

एम्.पी.ओ.-54
R. P. 54

भारतीय डाक-तार विभाग

साराय्य मोहर

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

प्रकृत डाकघर का नाम-मोहर/Name-stamp of office of posting



प्रेषने वाले का पता/Sender's address

From:

M. Sultan, Advocate
Deen Dayal Road,
Ashrafabad, LUCKNOW

MGP No.—150 P. & T./85—10-85—1,00,00,000.

Kesharadani

Attested/True Copy

L. P. Shukla

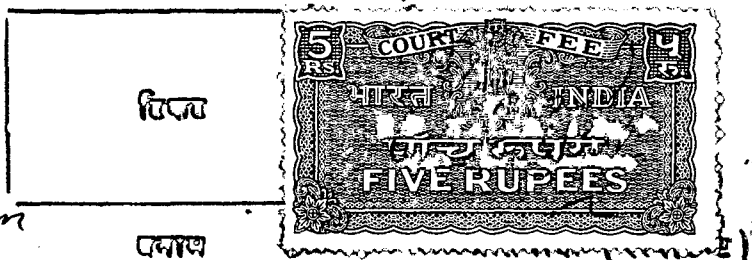
L. P. SHUKLA
Advocate

In the Central Administrative Tribunal

Allahabad Circuit Bench Lucknow

प पचासत खीसातु [गरी] पपीसातु वकालतनामा

OANo 41988



Kesho Ram Ne Union of India

पनाप

नं० मुफदुमा सप वेती जी सा० १० १०

उपर लिखे मुफदुमा में खपनी जोर से थी

Dr. L.P. Shukla, Advocate

वकील महोदय

E-700 Mahanger Lucknow

एडवोकेट

नाम बदलाव मुफदुमा नं० नाम करीबिम

जो खपना वकील निमुपत करके प्रतिज्ञा (इफरार) करता हूं और लिखे देता हूं इस मुफदुमा में वकील महोदय स्वयं अथवा पन्थ वकील द्वारा जो कुछ पैरबी व जपाव देही व प्रश्नोंत्तर करें या कोई कामज पाक्षिप करें या लीटाये या हमारी ओर से टिपरी पारी कराये और खपया वसूल करें या मुलहनामा व इफवाल बाया सपा अपीप निभरानी हमारी ओर से हमारी या अपने हस्ताक्षर से पाक्षिप करें और सखवीप करें मुफदुमा उठाये या कोई पपया पपा करें या हमारी विषयी (करीफसापी) का पाक्षिप दिया गुआ पषया अपने या हमारे हस्ताक्षर युपत (एस्तखती) रसीप ले लेवे या पंच निमुपत करें—वकील महोदय द्वारा की गई वप सप पार्यवाही हमको खरंपा स्वीकार है और होना में यह भी स्वीकार करता हूं कि मैं हर वेती पर स्वयं वा किसी अपरे खरोपार जो भेजता एहंगा अगर मुफदुमा अबम पैरबी में एउ तरफा मेरे पिलाफ कंसला हो जाता है उसकी जिम्मेवारी मेरे वकील पर नहीं होगी इसलिए यह पजासतनामा लिख दिया प्रजाप रहे और सप्रथ पर पाज आये।

हस्ताक्षर Keshava Ram

जाती (जपाव) साखी (जपाव)

पिनीप पहीपा सप १० १०

स्वीपत Keshava Ram