

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 133/06  
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SECTION OFFICER (Judl.)

Bahla  
23.10.17

FROM No. 4.  
( See Rule 42 )

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:**

ORDERSHEET

Applicant(s) ASK IAI

Respondents U.C.F. FROM

Respondents U.C. 10  
Advocate for the Applicant(s) G. C. Bhukan, R. Barprijan

Advocate for the Respondant(s)..... Routledge Counsel.....

Notes of the Registry	Date	Order of the Tribunal
	9.6.2006	Present: The Hon'ble Shri K.V.Sachidanandan Vice Chairman.
This application is in form is I.R.C.C. F. for its. 50/- deposited v/s. P.C./BD No. 266324459 Dated 6.6.06		In view of the order passed in M.P. No.51/2006 condoning the delay, this O.A. is taken up for consideration.
<i>Shelto</i> Dy. Registrar <i>Shelto</i>		This application has been filed by Shri Ashok Lal who is said to be the adopted son of Late Mohan Lal who died in harness on 17.12.1997 while serving as C/Fitter under SSE/C & W/B.P.B. at Badarpur (Assam). The contention of the applicant is that since the deceased had no legal heir he adopted him as son by observing all the formalities. The applicant claimed that while he was living as his son all along, the deceased died in harness on 17.12.1997 leaving the applicant as his sole heir. He requested for compassionate appointment after the death of the deceased which was rejected by the respondents and aggrieved by the said action he has filed this application seeking the following relief:-
		Contd. p/2

Contd  
9.6.2006

"8(a) The applicant may be directed to be appointed on compassionate ground in grade 'D' post or any other post under the Railway which may even be lower than the above post. He seeks this relief as there is a rule for appointment on such ground."

Counsel for the applicant is not present. Dr. J. L. Sarkar, learned Standing counsel for the Railways represented the respondents.

On perusal of the records it is found that the Sub-Judicial Magistrate, Maibang Court, on 25.5.2004, in Suit No.1/2004 passed a decree declaring the applicant as adopted son of Late Mohan Lal, ex-Railway employee and the suit was disposed of accordingly. Dr. Sarkar submits that said Late Mohan Lal died in 1997 and at that time the decree was not produced and they could not get any opportunity to look into it. However, considering the entire aspects and in the interest of justice this Tribunal directs the respondent No.2 to consider the case of the applicant afresh for compassionate appointment in view of the later development of the case that a decree was passed by the Civil Court and pass speaking order and communicate the same to the applicant. The applicant is at liberty to produce all documents and copy of this O.A. to the said authority, if he so desires.

The O.A. is disposed of as above at the admission stage itself. No order as to costs.

  
Vice-Chairman

bb

28.6.06

Copy of the order  
has been sent to the  
Office for sending  
the same to the applicant  
by post.

AT

67 JUN

SYNOPSIS.

O.A. No. 133 / 06.

गुवाहाटी न्यायालय  
Guwahati Bench

- 1) That in the above case one Alok Lal is the applicant.
- 2) That he is the adopted son of one Mohan Lal who died on 17.12.97 in harness while serving as C/Fitter under SSE/C & W/B.P.B. at Badarpur (Assam).
- 3) That, the applicant being the sole heir and dependent of late Mohan Lal he made a prayer before the authority for his compassionate appointment.
- 4) That on questioning the relationship with the deceased the applicant had to prefer a civil suit at Maibong in N.C.Hills district (Assam) whereon he has been declared to be the adopted son of said person. The decree copy is annexed as Annexure-4 to the application.
- 5) That, even though the aforesaid relationship was so declared, the respondents refused to grant appointment to him on compassionate ground still describing the deceased as his uncle only.
- 6) That, the impugned order was passed on 4.3.05 while he could know about 10/12 days back only.
- 7) That, the applicant now seeks a direction from the Hon'ble Tribunal to appoint him on compassionate ground as claimed.

DZ  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,

G U W A H A T I.

( An application U/S 19 of the Administrative Tribunal Act.1985).

O.A.No. 133/06.

In the matter of:-

Sri Alok Lal,

son of late Mohan Lal.

...Applicant.

- Vs -

General Manager(P),

N.F.Railway, Maligaon, Guwahati-11 and  
Ors.

...Respondents.

I N D E X.

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Page No.</u>
1.	Petition.	1 to 4
2.	Annexure- I.	5
3.	Annexure- 2	6
4.	Annexure- 3	7
5.	Annexure- 4.	8—17
6.	Vakalatnama.	

D. Z.  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
GUWAHATI.

( An application under Section 19 of the  
Administrative Tribunal Act, 1985 ).

O.A.No. . . . . /2006.

Shri Alok Lal,  
son of late Mohan Lal,  
G/O, Raju Dey, Quarter No.8,  
Langting, Dist. North Cachar  
Hills (Assam).

...Applicant.

- Vs -

1. General Manager (P),  
N.F.Rly, Maligaon, Guwahati-11.
2. Divisional Railway Manager (P),  
Lumding, P.O. Lumding.  
Dist. Nagaon (Assam).

...Respondents.

- 1) Particulars of the order against which the application is made:

Order No. E/227/MISC/Comp/Lon(W) Pt-I dated 4.3.05  
passed by the Divisional Railway Manager, N.F.Railway, Lumding refusing to appoint the applicant on compassionate ground.

Photo copy of above order is annexed herewith as Annexure-I.

6  
Alok Lal Filed by -  
R. Ganguly  
Advocate

2) Jurisdiction of the Tribunal:

The cause of action arose within the jurisdiction of this Hon'ble Tribunal and as such the Hon'ble Tribunal has jurisdiction to entertain the application.

3) Limitation:

There is delay of about 92 days in preferring the application for which a petition under Section 5 of the Limitation Act, 1963 read with Section 21 of the Administrative Tribunal Act 1985 has been filed for condonation of delay.

4) Facts of the case:

That one late Mohan Lal was a Chief Fitter under SSE/C & W/B.P.B. posted at Badarpur. He had no issue and therefore adopted the applicant as his son by observing all the formalities. The applicant also lived as his son all along. Thereafter on 17.12.97 said Mohan Lal died in harness leaving the applicant as his sole heir. Then the applicant requested the respondents to appoint him in 'D' Grade post or in any other suitable post under the Railway on compensation ground. He produced all the necessary documents including a Civil Court Decree declaring him to be the adopted son of Mohan Lal. But ignoring everything the applicant has not been offered any appointment and hence the application.

Copy of petition by the applicant to the Divisional Manager (P), N.F. Railway, Lumding is annexed herewith as Annexure-2 along with copy of petition to the G.M. N.F. Railway, Maligaon annexed as Annexure-3. The copy of Civil Court decree is annexed as Annexure-4.

5) Grounds for relief with legal provision :

The applicant being the sole heir and dependent of deceased Mohan Lal he requested for his appointment under the Railway in 'D'grade post or any other post to which he might be found to be eligible basing on his qualification etc. His request was for compassionate appointment as such appointments are permissible both under the Govt. and the Indian Railways <sup>under</sup> since long. Such appointments are made as a matter of policy adopted by the Railway Authority.

A/OK/Loy

6) Details of the remedies exhausted:

There is no other known remedy provided for the grievance of such type and as such no other remedy was sought elsewhere.

7. Matters not previously filed or pending with any other Court:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them,

8) Relief sought:

In view of the facts stated above the applicant seeks the following relief:-

(a) The applicant may be directed to be appointed

appointed on compassionate ground in grade 'D' post or any other post under the Railway which may ever be lower than the above post. He seeks this relief as there is a rule for appointment on such ground.

9. Particulars of the postal order filed in respect of the application fee:

a) Postal order No:- 26 G. 324459,

b) Date of issue :- 6.6.06.

c) Issued from :- GPO,

d) Payable at Guwahati:-

V E R I F I C A T I O N.

I, Sri Alok Lal, son of late Mohan Lal, aged about 24 years, resident of Langting (quarter No.8), P.O. Duming, Dist. N.C. Hills, by profession, nil, by religion Hindu, do hereby verify that the contents in the above paras are true to my knowledge, information and belief and I have not <sup>The word -</sup> ~~supposed~~ supported any material fact.

And I have signed this verification at Guwahati on this 6 th day of June/2006.

Alok Lal

Signature of applicant.

क्रमांक : दोनों तरफ लिखें  
The date, when it is required

दोनों तरफ  
N.F. Railway

By Post

Ref. No. / No. E/227/Misc/Comp/Lm(w) Pt-I Date/Date 4.3.05

From/From: DRM(P)'s office

Lunzing

Re/Ref: Job on Comp ground

Ans/Res: Your application dt. NIL

Sri Alok Lal

P.O. Rothampet

P.O. Longling Gr. No. 8

DIST-NEC HUTETZAPAN

With reference to the above this is to inform you that your request for Comp ground appointment on account of death of your uncle does not come within the purview of consideration as per rule.

*4/3/05*  
Sri Divl. Ry. Manager  
N.F. Ry. Lunzing

Copy to

GM(P)M&S: in reference to his LNO.  
586.E/81/1(w)MISC PT. III (G/2)  
dt. 16.2.05.

*U*  
Sri Divl. Ry. Manager  
N.F. Ry. Lunzing

certified copy  
to Advocate

u 6

To  
The Divisional Military Manager (P),  
D.M. Military, Jaffna,

Dear,

Sub :- Application for appointment on compassionate  
ground in Group P category.

With due respect I beg to state that my late

late Alchappal who was working as  
2/EMT under CSF/CSW/BPB  
Medically incapacitated on/for on 17.12.27 due to  
service/cont.

Under the above circumstances I would request you to  
kindly appoint my self 2/EMT/MCS/CSA 17.12.27  
whose educational qualification is 10th Std  
in any Group P post, compassionate ground.

In this connection, I do hereby declare that I  
is/are serving in Confidential post 2/EMT due to my  
Family members 2/EMT 17.12.27 due to service/cont.

List of documents required:-

- 1) Attested copy of birth certificate.
- 2) Attested copy of age proof.
- 3) Attested copy of educational certificate.
- 4) Attested copy of caste certificate.
- 5) One joint P.T. sign photo.

Dated:-

Place:-

Yours faithfully,

17.12.27

Certified to be  
true copy  
Dr. A. Subra

C. S. P. P. S. Jaffna  
20/12/2013 11.00 A.M. Chennai  
Dist :- N.C. U.H.S. (Assam)

TO:

The General Manager,  
N. F. Railway, Maligaon,  
P.O. Guwahati-11  
Dist. Kamrup. (Assam).

Annexure 3

Job on Compensationate Ground

Respected Sir.

Most respectfully, I beg to submit  
that my father MOHANLAL was working as a carriage fitter at  
Badarpur Railway Jn. He was resident of Vill. Langting, N.C.Hill  
He died on 17/1/1977 while in service.

In relation said Mr. MOHANLAL is my maternal  
uncle. But he had no children, so he adopted me, after observing  
necessary formalities & religion functions.

Now, I being the adopted son of Late Mohan Lal  
Ex-Carriage Fitter is entitled to a Railway job on Compensationate  
ground.

Be it be mentioned that to prove my claim of  
adopted son I have filed a declaratory suit before S.D.M.  
Ex-Office Civil Judge Maibong, N.C.Hill and I got the decree  
declaration that I am son(adopted) of Late Mohanlal. The No.  
of Case is T.S.1/2004.

It took some time in finalizing the suit  
so there is delay in preferring the claim being based on document.

I therefore request your goodself to be kind  
enough to do needful on the basis of order of Court enabling  
me to get a Job on Compensationate ground on the death of father  
(Adoptive) an Ex-Rly. Employee who did while in service.

Thanking you.

Copy to :-

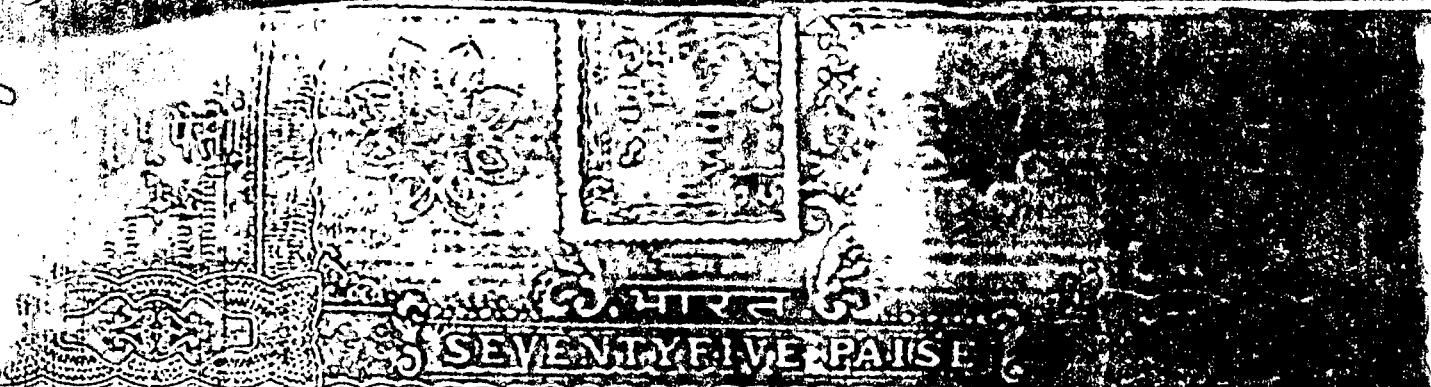
1. GM/MLG.  
2. CPO/MLG.  
3. DRM/LMG.

Yours faithfully,

Aliok Lal.

( ALOK )  
C/O. Rajo Dey,  
P.O. Langting, Or. Naga  
Dist. N.C.Hill (Assam)

Carried to file  
Copy  
true  
Received  
copy  
copy



प्रतिलिपि के लिए अवैदन की तारीख Date of application for the copy.	राष्ट्रीय और लोकलों की अपेक्षित संस्था सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	वर्तमान स्थाप्त और लोकलों द्वारा देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	जारीकरण के प्रतिलिपि देने की तारीख Date of handing over the copy to the applicant.
25/5/04	26/5/04	26/5/04	28/5/04	29/5/04

~~Copy of A no-4~~

CERTIFIED COPIES OF FINAL JUDGEMENT, DECREE OF TITLE  
SUIT NO.1 OF 2004 OF MAIBANG COURT PASSED BY THE SUB-DIVISIONAL  
MAGISTRATE, MAIBANG COURT ON 25/5/04 AS FOLLOWS :

ORDER  
25/5/04

THE Plaintiff is present. Judgement is delivered and kept with record in separate sheet declaring the legal status of the Plaintiff Alekkal as an adoptive son of Lt. Mahanlal, Ex-Rly. employee and the suit is disposed of accordingly.

Sd/- K.N. BHARATI,  
Sub-Divisional Magistrate,  
Maibang Court, N.C.Hills.

.....

Decree  
(Order 20, Rule 6 and 7 Code of Civil Procedure)  
District : N.C.Hills ( Assam ).

In the Court of S.D.M. Ex-Officio Civil Judge ( Jr. Divn. )  
Maibang N.C.Hills.

Suit No. 1 of 2004

Plaintiff : Alekkal,  
S/o Lt. Mahan Lal,  
R/o. Lungting No. 8 Rly Colony,  
P.S. - Maibang,  
Bist. N.C.Hills ( Assam ).

- Vrs -

Contd.....P/2.

25/5/04  
Certified copy  
Date for Advocates  
25/5/04

25/5/04  
II. J. D.  
Court of Civil Judge  
N.C.Hills

149

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	राष्ट्रपति जीव कोटि शे की अपेक्षित तार्या सूचित करने की तिथियाँ Date fixed for notifying the requisite number of stamps.	प्रदर्शन रायम और चंडिये देने की तारीख Date of delivery of the requisite stamps and folios.	प्रतिलिपि, जबकि देने के लिए प्रतिलिपि तैयार होने की तारीख Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

Page - 2/-

Defendants : Anil Dey, S/O Lt. Sankar Dey  
Smt. Laxmi Dey, W/O . Anil Dey  
r/e . Lungting No. 8 Rly Colony,  
P.S.- Maibang  
Dist. N.C.Hills (Assam)

Claim for -

For declaration of Legal Status  
suit is valued at Rs. 110/- for the purpose  
of jurisdiction & Court fees paid thereon.

Plaintiff prays : To declare that he is (Adoptive) son of Lt. Mehan Lal. Late Mehan Lal took him as an Adoptive son from the defendants Anil Ch. Dey & Laxmi Dey.

The suit is coming on 16.4.04 for final disposal  
before - Mr. K.N. Bharati S.D.M. Maibang N.C.Hills in  
presence of

Alek Lal

for Plaintiff

for Defendants.

It is ordered & decreed that -

Alek Lal, Plaintiff is the adoptive son of Late Mehan Lal Ex-Rly Employee. He has proved the case with satisfactory evidence about the fact of Adoption. So his legal status as a Adoptive son of Late Mehan Lal is decreed.

The suit is disposed of without cost.

Given under my hand and the seal of this court  
this 25th day of May/04.

Sd/-K.N. BHARATI,  
S.D.M.  
Maibang, N.C.Hills (Assam).

Contd.....P/3.

Office of the Court  
Maibang N.C.Hills

...Attached  
12/5/04  
S.D.M.  
Rly.  
Court of Session  
N.C.Hills



प्रतिलिपि के लिए जोड़ने की तारीख Date of application for the copy.	याप और पोतिओं की अपेक्षित रस्ता सुनित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अंकित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	प्रतिलिपि तैयार होने की तिथि Date on which the copy was ready for delivery.	आवेदक से प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

Page - 3/-

In the Court of S.B.M. Maihang N.C.Hills.

T.S 1 /04

Plaintiff :- Alok

-Vrs-

Defendants:- Anil Ch. Dey & Ors.

Issues

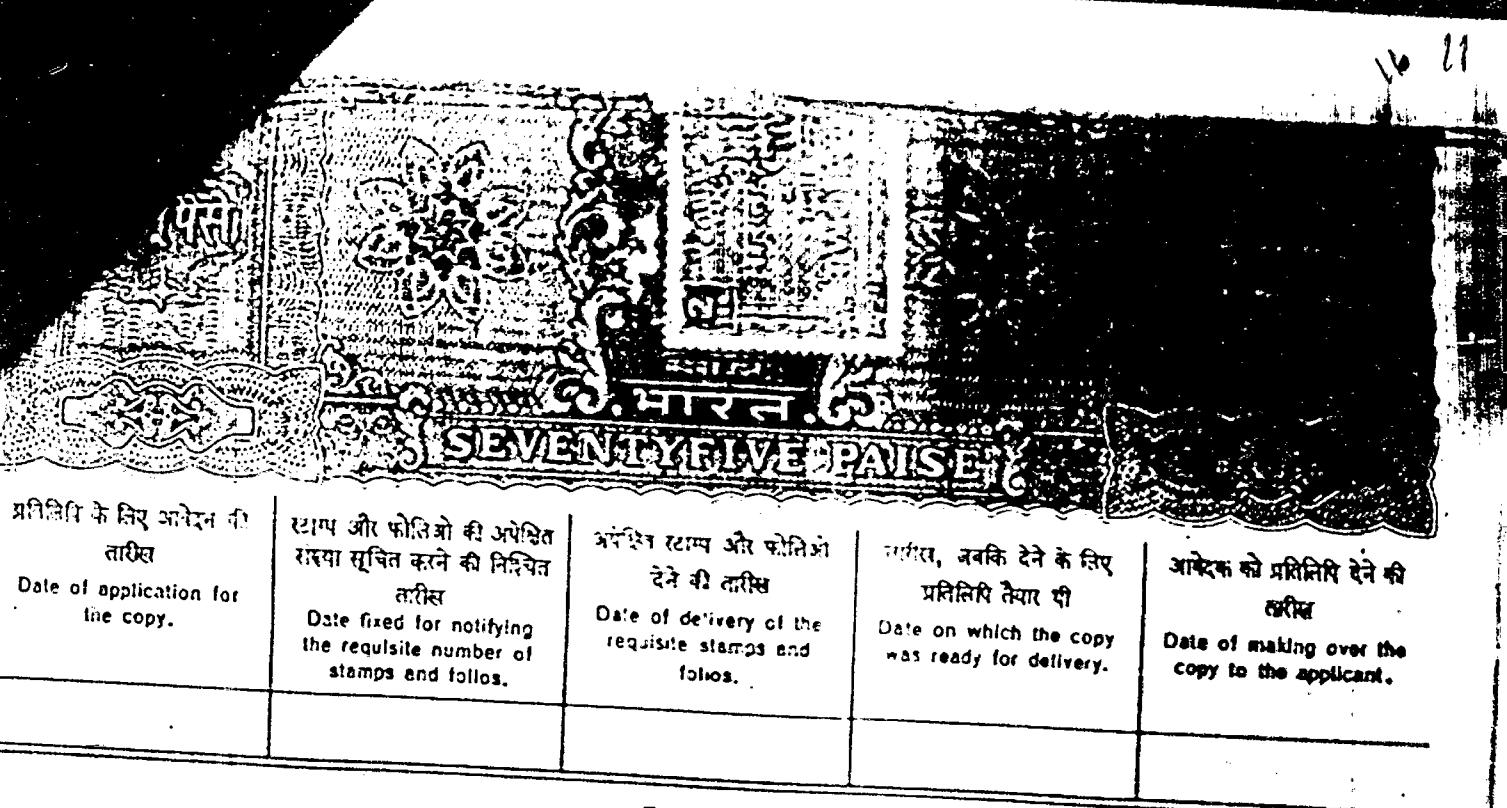
1. Whether the suit is maintainable.
2. Whether there is any cause of action for the suit.
3. Whether the plaintiff Alok is Adoptive son of Late Mehanlal Ex.Ely. Employee.
4. Whether there is any relationship of son and father exists with Plaintiff Alok with his original father Anil Ch. Dey ?
5. To what reliefs the parties are entitled to.

Sd/- K.N. BHARATI  
S.B.M.  
Maihang N.C.Hills.

.....  
Cost of suit.

Plaintiff	B. P	Defendants	B.
1. Stamp for plaint 2. Stamp for power 3. Stamp for petitions and affidavits	5 <sup>50</sup>	1. Stamp for Power 2. stamp for petitions 3. Cost of exhibits including copies	5 <sup>50</sup>

Centd.....P/4.



Page 4/-

made under the  
Bankers' Books  
Evidence Act, 1891.

#### 4. Pleader's fee

5. subsistence and travelling allowances of witnesses (including those of party if allowed by Judge).

6. Process fees.

#### 6. Process fees..

4. Cost of exhibits including copies made under the Bankers' Books Evidence Act, 1891
5. Pleader's fee on %.
6. subsistence and travelling allowances of witnesses including those of party if allowed by Judge.
7. Process fees 2'0
8. Commissioner's fees
9. Demit-paper
10. Cost of transmission 35'0 of records.
11. Other consts allowed under the code and Civil Rules and Orders.
12. Adjournment costs not paid in cash (to be added or deducted as the case may be).

TOTAL.. 42.50

**TOTAL: 35.50**

Contd....., P25.



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	राश्यां और फोलियो की अपेक्षित राश्या सूचित करने की नियमित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	प्रतिलिपि, ब्राकि देने के सिए प्रतिलिपि केवर थी Date on which the copy was ready for delivery.	आवेदन को प्रतिलिपि देने की तारीख Date of mailing over the copy to the applicant.

Page - 5/-

Note : 1 The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as they will be destroyed at that time prescribed by the High Court (Rule 557 its<sup>e</sup>g Civil Rules and orders, Vol. 1)

Note : 2 : The above note or the schedule of costs shall be penned through if there are no exhibits for return or no costs in favour of any party. (See Note 1 to rule 486, Civil Rules and Orders, Vol. 1 ).

.....

High Court Form No. (J) 3

Hearing of the Judgement in original suit.

District : N.C.Hills, Assam.

In the Civil Court of the Sub-Divisional Magistrate  
N.C.Hills, Assam.

Present : Sri K.N.Kharati A.C.S.  
Sub-Divisional Magistrate,  
Maihang, N.C.Hills.

TS 1/04

Alok . . . . . Plaintiff.

-vrs-

Anil Ch. Dey & Ors . . . . . Defendant.

This suit is coming on this 3rd day of April 2012  
hearing.

And having stood for consideration to this day, the  
delivered the following Judgement :

This is a suit filed by the Plaintiff against the defendants  
for declaration of his status as adoptive son.

The case of Plaintiff in brief : Plaintiff is the son of

Contd....P/6.

12  
1/2/04  
Alok  
Sub-Divisional Magistrate  
Maihang, N.C.Hills  
Court of Civil Judge, Dibrugarh  
30th March, 2012

SEVENTY FIVE PAISE

प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	राष्ट्रीय और लोकतांत्रिकी की अपेक्षित मरम्मा भूमित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अंतिम राष्ट्रीय और लोकतांत्रिकी देश की तारीख Date of delivery of the requisite stamps and folios.	प्रतिलिपि तैयार होने की तारीख, जबकि देने के लिए प्रतिलिपि तैयार होने की तारीख Date on which the copy was ready for delivery. Date of making over the copy to the applicant.	आवेदन को प्रतिलिपि देने की तारीख Date of mailing over the copy to the applicant.

Page - 6/-

defendants. Plaintiff got another elder brother & no sister. One Mehanlal now deceased was a railway Employee. He was working with Anil Ch. Ley, Father of the plaintiff. Father of the Plaintiff married one Laxmi Devi, who is sister of deceased Mehanlal. Late Mehanlal was also married, Nani of his wife is Late Noni Devi. She died earlier. But they had no child. During life time of wife Lt. Mehanlal proposed the defendant Anil Ch. Ley & his wife to give his one of the sons in Adoption to them. Before the ceremonies of Adoption was completed wife of Mehanlal died. After her death the talk of adoption encurred. Ultimately Anil Ch. Ley & Laxmi Ley had gave their second son Alek to adoption to Mehan Lal, Ex Rly Employee. The function of adoption completed in presence of friends, relatives with utterance of Mantra by Priest & doing religious formalities and since then Plaintiff Alek severing all tie with his original parents began to live with Mehan Lal, now deceased as his son. The Plaintiff was then 4(four) years of age.

In the meantime Mehanlal died, Plaintiff performed all the funeral functions and Sraddha ceremonies of his deceased Adoptive father. The Plaintiff after the death of Mehan Lal continued to live in the house of his Adoptive father Mehan Lal. But he became orphan and helpless. There is none to look after him. So he was passing the days with much hardship. His original parents were living nearby. They saw the sufferings of plaintiff & invited him to join their family as earlier. But plaintiff refused to do so saying that he is son of Lt. Mehanlal. The defendants were not satisfied with the saying of the plaintiff & tried to take plaintiff in their house forcibly. Plaintiff resisted them the defendants left the place saying next time they shall look plaintiff in their house by any means. Then there was no alternate for the plaintiff than to file the present suit.

Centd.....P/7.

7/12/1998  
S. S. R.  
S. S. R.  
S. S. R.  
S. S. R.  
S. S. R.

३५ पैसे

SEVENTY FIVE PAISE

प्रतिलिपि के सिए आवेदन की तरीका  
Date of application for the copy.स्टाम्प और फोलियो की अपेक्षित तार्या सूचित करने की निश्चित तरीका  
Date fixed for notifying the requisite number of stamps and folios.अपेक्षित स्टाम्प और फोलियो देने की तिथि  
Date of delivery of the requisite stamps and folios.

प्रतिलिपि तैयार होने की तिथि, जबकि देने के सिए प्रतिलिपि तैयार होने की तिथि, जबकि देने के सिए

आवेदक को प्रतिलिपि देने की तरीका  
Date of making over the copy to the applicant.

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~~The defendants on receipt of summons appeared before the court. They did not file any written statement but adduced evidence.~~

Court framed the following Issues -

1. Whether the suit is maintainable ?
2. Whether there is any cause of action for the suit ?
3. Whether the plaintiff Alek is Adoptive son of Late Mohan Lal Ex.
4. Whether there is any relationship of son and father exists with plaintiff Alek with is original father Anil Ch. Bey ?
5. To what reliefs the parties are entitled to.

Judgement & decision thereof -

Issue No. 1 : Whether the suit is maintainable. The defendant did not oppose the Issue. There is nothing to show that the suit is not maintainable. So the issue is decided in favour of the plaintiff.

Issue No. 2 : Whether there is any cause of action for the suit. The defendant can not show nothing that there is no cause of action for the suit. As the parties are contesting each other. Both find there is cause of action for the reason.

Issue No. 3 : Whether the plaintiff Alek is Adoptive son of Late Mohan Lal.

In support of the suit plaintiff examined himself, his wife, his witnesses & priest to prove the religious function performed at the time of taking Adoption. PW 1 Alek Lal deposed that his father died before his birth and he was adopted by Late Mohan Lal Ex. My Employee when he was of age of 4 years and since then he is living with his adoptive father and after his death he has observed the funeral obligation and done Sraddha ceremony. The Priest Ajit Chakraborty deposed the

Contd.....P/8.

10/10/2014  
A. B. B.  
Court of District Magistrate

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प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	राष्ट्रीय और फोटोग्राफी की अपेक्षित संख्या सूचित करने की निर्दिष्ट तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोटोग्राफी देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के सिए प्रतिलिपि तैयार होती हैं Date on which the copy was ready for delivery.	आवेदक से प्रतिलिपि रेते ही की तारीख Date of mailing over the copy to the applicant.
.....				

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of function he has performed at the time of taking and giving act of adoption. The independant witness Tapan has also deposed about his knowledge of said Adoption. The depositions of BWs also deposed about adoption.

So the issue is answered in affirmative in favour of the plaintiff. Issue No.4 : Whether there is any relationship of son and father exists with plaintiff Alek with his original father Anil Ch. Dey.

Plaintiff & his witnesses including the priest deposed that there was exchange of Gotra at the time of Adoption and there was no eve of handing over & taking over of the plaintiff by original parents & Adoptive father & since then the plaintiff is living with Mehan Lal deceased as his son. After his death he observed funeral functions & Sardha ceremony of his Adoptive father.

So there is material to hold that there is no relationship exists as father & son between Alek Plaintiff & defendant Anil Ch. Dey Lazmi Dey. So the issue is decided in favour of the plaintiff.

Issue No.5 : To what reliefs the parties are entitled to :

The plaintiff entitled to get a declaration that he is Adoptive son of Late Mehan Lal Ex. Rly Employee & all relationship with his original parents defendant No. 1 & 2 severed and does not exist.

Contd.....P/9

1/2/04  
 110/2010  
 R. J. B.  
 राजस्थान विधायक सभा (एफडीएस)  
 विधायक, राजस्थान

प्रतिनिधि के सिए आदेन की तारीख Date of application for the copy.	राष्ट्र और फोलियो की अपेक्षित रास्ता सूचित करने की निर्दिशित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित राष्ट्र और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तेजार पी Date on which the copy was ready for delivery.	आदेन को प्रतिनिधि देने की तारीख Date of handing over the copy to the applicant.

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ORDER

In the result, the court declare that Alek, Plaintiff is the Adopted son of Late Mohan Lal Ex Rly Employee. Let a decree be issued accordingly. The suit is disposed of accordingly without cost.

Dicted & corrected by me

Sd/- K.N. EHARATI  
S.D.M.  
Maibang N.C.Hills  
Assam

Sd/-  
Sub-Divisional Magistrate  
Maibang:N.C.Hills, Assam

Type & compared by :-

( K. N. EHARATI  
K. N. EHARATI )

CERTIFIED TO BE A TRUE COPY

Sd/-  
HOD  
Office of the S.D.O. (O)  
Buthana N.C.Hills

Recd No. 35  
Dtd - 28/3/04

क. न. एहराती प्रधान प्रशासनी वर्तमान  
क. न. एहराती रेप्रेस. प्रार्टिशन

20RS.

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Affidavit

I, Sri Alok son of Late Mohan Lal aged about 19 $\frac{1}{2}$  yrs. resident of Vill. No.8 Colony, Langting, N.C.Hills & Permanent resident of Vill. Lumding Town, P.O. & Mouja Lumding, Dist. Darrang, Assam do solemnly affirm & state as under : -

1. That my natural father is Sri Anil Ch. Dey & natural mother is Late Koni. Name of my maternal uncle is Late Mohan Lal who left no heir. His wife died earlier & left no issue. So he with consent of my parents took me in adoption, when I was minor. My adoptive father Mohan Lal died on 17/12/97 and at the time of his death he was working as EX.CF/1/PPL.
2. That recently I came to know the fact of adoption from my parents.
3. That I am swearing this affidavit declaring my legal status that I am son (adoptive) of Late Mohan Lal and to submit it to Railway authority. This is true to the best of my knowledge and belief & information.

Verification

I, Sri Alok, do hereby declare that the contents are true & I put my hand on 23rd day of July, 2002 at Hojai, Sylhet.

Alok

I, Sri Alok, do hereby declare that the contents are true & I put my hand on 23rd day of July, 2002 at Hojai, Sylhet.

Alok

23/7/02  
Alok  
Deputy Commissioner  
District Magistrate, Darrang

23/7/02  
Alok  
Deputy Commissioner  
District Magistrate, Darrang