

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.)

Kahla
23.10.17

4
FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 133/06
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(S) Ashok Lal

Respondants U.C.P. Jom

Advocate for the Applicant(S) B. C. Bhukan, R. Barpajari

Advocate for the Respondant(S) Railway Counsel.....

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

9.6.2006 Present: The Hon'ble Shri K.V. Sachidanandan
Vice Chairman.

In view of the order passed in M.P.
No.51/2006 condoning the delay, this O.A.
is taken up for consideration.

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:-

This application is in form
is DRD/C F. for Rs. 50/-
deposited vide P.O./BD
No. 246/324459
Dated 6.6.06

Ashok Lal
Dy. Registrar

Steps taken

N

O.A. 133/2006

-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, Malbang 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

Received


16/6/06

(For Dr. J.L. Sarkar)

bb

28.6.06

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

BT

7 JUNE

SYNOPSIS.

O.A.No. 133 /06.

गुवाहाटी न्यायपीठ
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.

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),

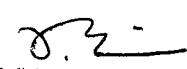
N.F.Railway, Maligaon, Guwahati-11 and

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.	


Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
G U W A H A T I.

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

O.A.No. /33 /2006.

Shri Alok Lal,
son of late Mohan Lal,
C/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, Lum-
ding refusing to appoint the applicant on compassionate -
ground.

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

Filed by -
R. Banerjee
Advocate
Alok Lal

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~~^C/Fitter under SSE/C & W/B.P.B. posted at Badarpur. He had no issue and therefore adopted the ~~applicant~~^{son} 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 compassionate 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.

Alok Lal

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. ^{under} and the Indian Railways since long. Such appointments are made as a matter of policy adopted by the Railway Authority.

10/10/10

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. Dumdung, Dist. N.C. Hills, by profession, nil, by religion Hindu, do hereby verify that the contents in the above paras are true to my ^{the best of} knowledge, information and belief and I have not ^{supported} ~~supported~~ any material fact.

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

Alok Lal

Signature of applicant.

1 दिनी तपह भितो
The date when it is required

By Post
N.F. Railway

4385

No. E/227/MISC/Comp/Lm(2)A-I

From: DRM(P)'s office
Lumding

✓
To: Sri Alankar
P.O. Longling Gr. No. 8
DIST-NEC-HUTZ (HUTZ)

Subject: Job on Comp ground

Ref: Your application dt. NIL

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 condonation as per rule.

4/3/05
Divl Ry: Manager
Lumding

Copy to

GM(P)MLB in reference to his LND
586 E/81/1(W)MISC Pt III (6/2)
dt. 16.2.05

[Large handwritten signature]

Certified to be
true copy
To Advocate

Divl Ry: Manager
Lumding

To
The Divisional Railway Manager (P),
M.D. Railway, Lucknow.

Sir,

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

With due respect I beg to state that my

Late Michael who was working as
S/E under SE/CRW/BPB
Medically incapacitated/Retiring on V.O.E. 15.12.77
service/conduct.

Under the above circumstances I would request you to
kindly appoint my self as S/E/CRW/BPB
whose educational qualifications are 12th VII
in any Group D post, on compassionate ground.

In this connection, I hereby declare that
is/are serving in Govt./Govt. Org./Institution or any
Govt./Govt. Org./Institution or any
Govt. Org.

List of documents enclosed :-

- 1) Attested copy of death certificate.
- 2) Attested copy of age proof.
- 3) Attested copy of educational qualifications certificate.
- 4) Attested copy of service record.
- 5) One joint P.O. from parent.

Dated:-

Place:-

Yours faithfully,

M. K. Lal

*SEE
attached to be
true copy
D. Z.
Advocate*

*C. J. P. Singh
D.O. - 20.12.77
Dist. - N.C. Jhansi*

TO

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

Job on Compensate 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. Hills. He died on 17/12/1947 while in service.

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

Now, I-being the adoptive son of Late Mohan Lal Ex-Carriage Fitter is entitled to a Railway job on Compensate 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 TS/1/2004.

It took some time to me 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 Compensate ground on the death of father (Adoptive) an Ex-Rly. Employee who died while in service.

Thanking you,

Yours faithfully,

Alok Lal.

(ALOK)

C/O. Raju Day,
P.O. Langting, N.C.Hill
Dist. N.C.Hill (Assam).

Copy to :-

① GM / MLG.

② CPO / MLG.

③ DRM / LMG.

certified to be
true copy
Advocate



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित 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.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	अपेक्षित की प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
25/5/04	26/5/04	26/5/04	28/5/04	29/5/04

~~Annex-4~~ Annex-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 D.T. 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 Aleklal as an adoptive son of Lt. Mohanlal, Ex-Rly. employee and the suit is dispose 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 : Alek Lal,
S/O Lt. Mohan Lal,
R/O . Lungting No. 8 Rly Colony,
P.S. - Maibang,
Dist. N.C.Hills(Assam).

- Vrs -

Contd.....P/2.

25/5/04
Certified copy
Advocate

27/5/04
H.D. Rly.
उपनिवेशी अधिकारी (राज्य)
मैबांग, अरुणाचल प्रदेश



प्रतिनिधि के लिए अर्पण की तारीख Date of application for the copy.	रजपत्र और पंजीनों की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित रजपत्र और पंजीनों देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

Page - 2/-

Defendants : Anil Beyer, S/O Lt. Sankar Beyer
Smt. Laxmi Beyer, W/O . Anil Beyer
r/o . 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. 110'00 for the purpose
of jurisdiction & Court fees paid thereon.

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

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 -

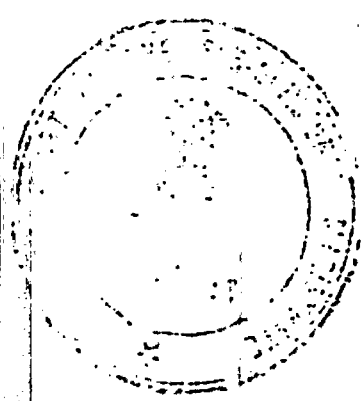
Alek Lal, Plaintiff is the adoptive son of Late
Mohan Lal Ex-Rly Employee. He has proved the case
with satisfactory evidence about the fact of Adoption.
So his legal status as a Adoptive son of Late Mohan
Lal is decreed.

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.



23/5/04
K.N.BHARATI
S.D.M.
Maibang N.C.Hills

Attended
21/12/04
K.N.BHARATI
S.D.M.
Maibang N.C.Hills



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अवशिष्ट स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

Page - 3/-

In the Court of S.D.M. Maibang 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 Mohanlal Ex.Sly. 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.D.M.
Maibang N.C.Hills.

.....

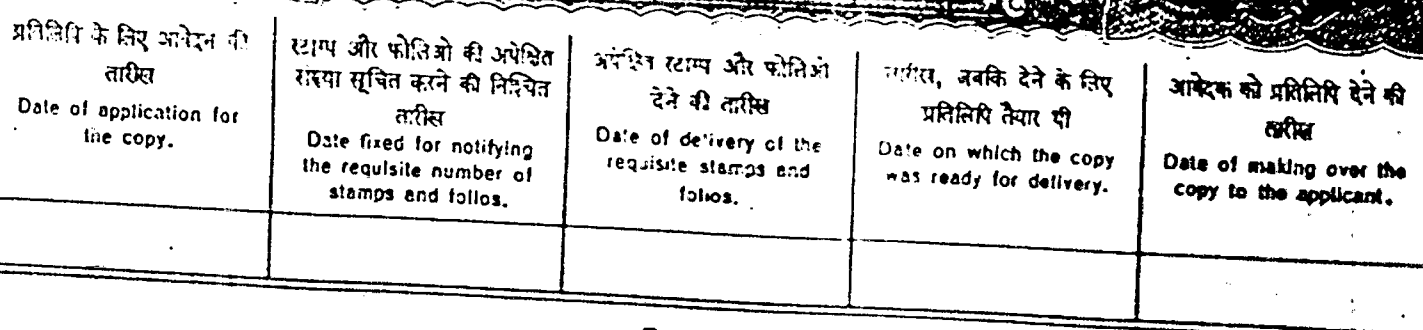
Cost of suit.

Plaintiff	R. p	Defendants	R. p
1. Stamp for plaint		1. Stamp for Power	
2. Stamp for power		2. stamp for petitions	5/50
3. Stamp for petitions and affidavits	5'50	3. Cost of exhibits including copies	

Contd.....P/4.

15/12/04

27/12/04



4. Cost of exhibits including copies made under the Bankers' Books Evidence Act, 1891

5. Pleader's fee on Rs.

6. subsistence and traveling allowances of witnesses including those of party if allowed by Judge.

7. Process fees	2.00
-----------------	------

8. Commissioner's fees

9. Bemtraber

10. Cost of transmission 35'00
of records.

11. Other costs 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

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, ..

7. Commissioner's fees

8. Demi-paper

9. Cost of transmission of records.

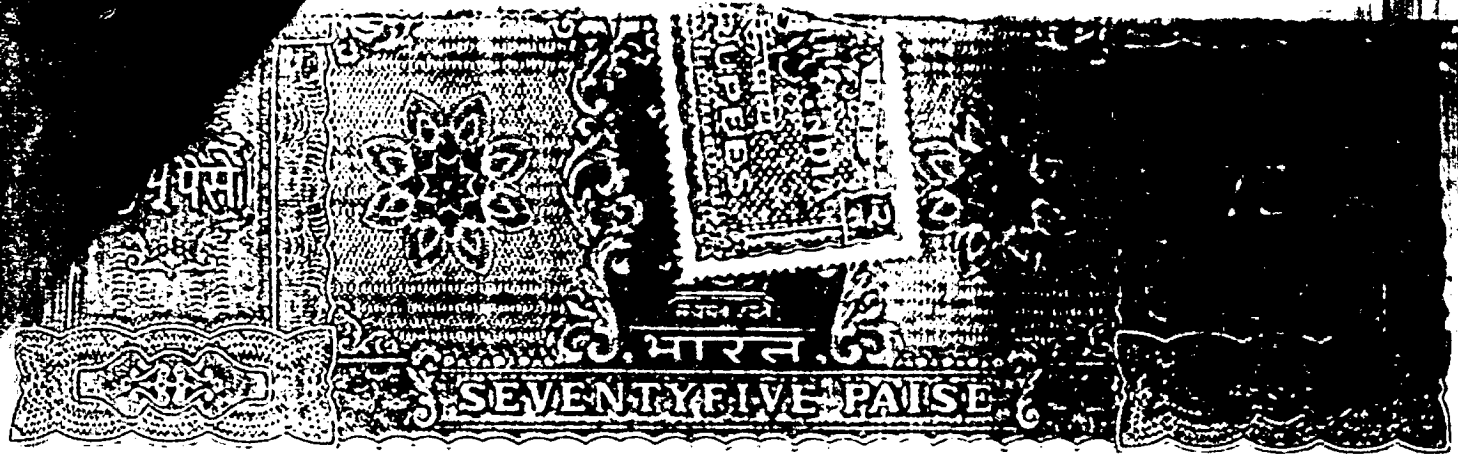
10. Other costs allowed under the code and Civil Rules and orders.

11. Adjourment costs not paid in cash (to be deducted or added as the case may be).

100

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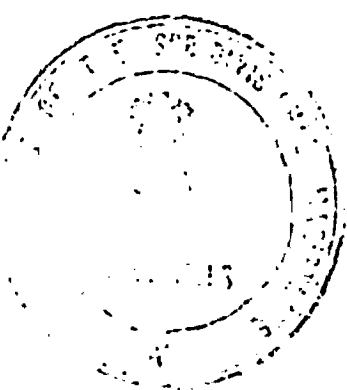
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Page - 5/-

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 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.Bharati A.C.S.
Sub-Divisional Magistrate,
Mairang, N.C.Hills.

TS 1/04

Alok Plaintiff.

-vrs-

Anil Ch. Dey & Ors Defendant.

This suit is coming on this 3rd day of April 1964 for hearing.

And having stood for consideration to this day, the Court 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.

Handwritten signature and date 21/12/64
M.P. Raj.
30 देवरी, नारायणी



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित 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.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

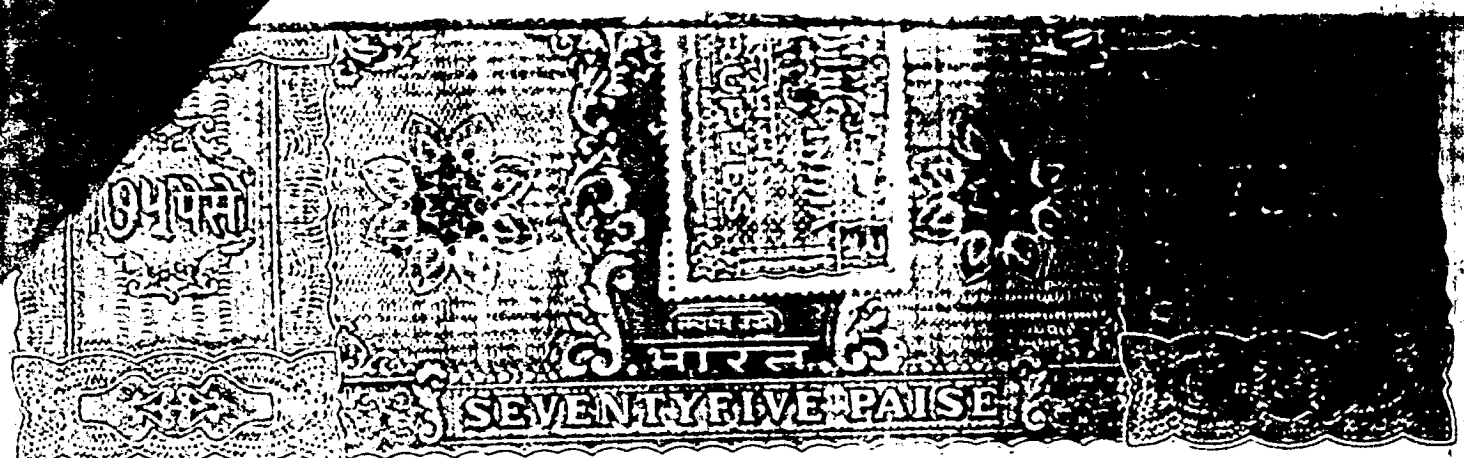
Page - 6/-

defendants. Plaintiff got another elder brother & no sister. One Mohanlal now deceased was a railway Employee. He was working with Anil Ch. Dey, Father of the plaintiff. Father of the Plaintiff married one Laxmi Devi, who is sister of deceased Mohanlal. Late Mohanlal was also married, Nani of his wife is Late Nani Devi, . She died earlier. But they had no child. During life time of wife Lt. Mohanlal proposed the defendant Anil Ch. Dey & his wife to give his one of the sons in Adoption to them. Before the ceremonies of Adoption was completed wife of Mohanlal died. After her death the talk of adoption encured. Ultimately Anil Ch. Dey & Laxmi Dey had gave their second son Alok in adoption to Mohan 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 Alok severing all tie with his original parents began to live with Mohan Lal, now deceased as his son. The Plaintiff was then 4(four) years of age.

In the meantime Mohanlal died, Plaintiff performed all the funeral functions and Sraddha ceremonies of his deceased Adoptive father. The Plaintiff after the death of Mohan Lal continued to live in the house of his Adoptive father Mohan 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. Mohanlal. 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.

Contd.....P/7.

2/12/21
महाराष्ट्र सरकार
मुंबई
म. व. म. म.
महाराष्ट्र सरकार (महाराष्ट्र)
महाराष्ट्र सरकार (महाराष्ट्र)



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि 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.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

Page - 7/-

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. So 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, witnesses & priest to prove the religious function performed at the time of taking Adoption. PW 1 Alek Lal deposed that his father adopted him in adoption to Late Mohan Lal Ex. His Employee who 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 Sradha ceremony. The Priest Ajit Chakraborty deposed the same.

Contd.....P/8.

[Handwritten signatures and stamps]
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 27/5/04
 H. B. R.
 सहायक न्यायाधीश (अदालत)
 न्यायालय



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	राम्य और फोलियो की अपेक्षित संख्या सूचित करने की निर्दिष्ट तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित राम्य और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

Page - 8/-

of function he has performed at the time of taking and giving act of adoption. The independant witness Tapan Das also deposed about his knowledge of said Adoption. The depositions of DWS 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 prove of handing over & taking over of the plaintiff by original parents & Adoptive father & since then the plaintiff is living with Mohan 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.

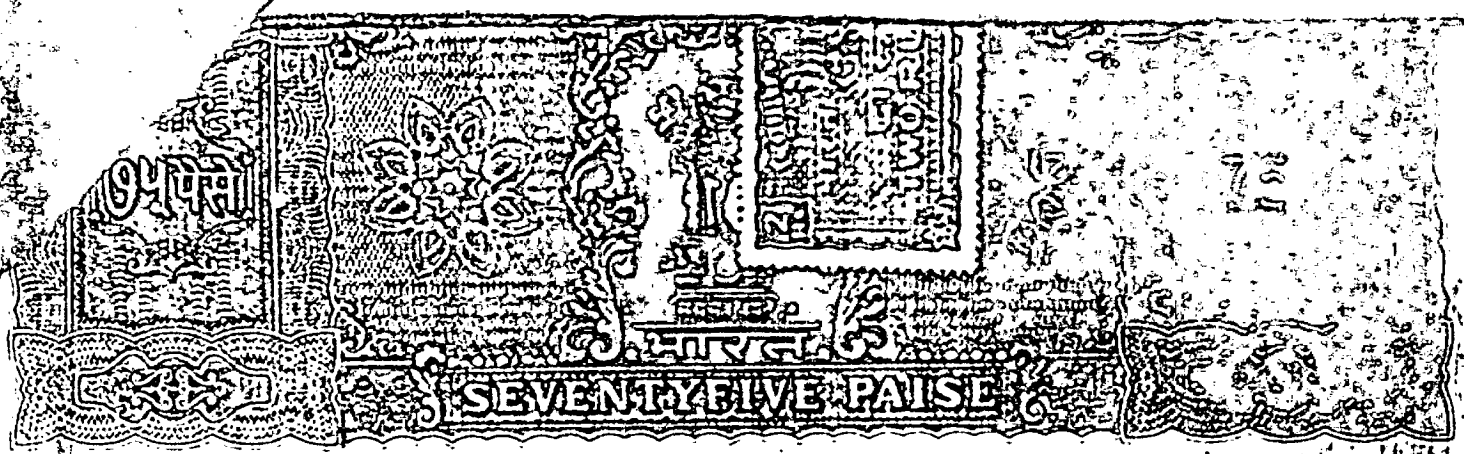
Issue No.5 : To what reliefs the parties are entitled to :

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

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Page - 9/-

ORDER

In the result, the court declare that Alok, 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. B. Bora)

CERTIFIED TO BE A TRUE COPY

Page No-35
Date-28/5/04

15/5/04
Office of the S.D.O. (G)
Maibang N.C.Hills

28/5/04
S.D. B.L.
मुख्य न्यायाधीश पत्रिका (न्यायिक)
प्र.सं. देखें. पत्रिका



Affidavit

I, Sri Alok son of Late Mahan Lal aged about 19½ yrs. Resident of Vill. No.8 Colony, Langting, P.C.Hills & Permanent resident of vill. Lundung Town, P.O. & Mouja Lundung, Dist. Nagaon, Assam do solemnly affirm & state as under :-

1. That my natural father is Sri Anil Ch. Dey & natural mother is Late Nani. Name of my maternal uncle is Late Mohan Lal he 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 an I.C.F./I.P.R.

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 *Alok* of July, 2002 at Hojai, S/Nagar.

I, Agent

do hereby declare before me by the dependent who is identified by Narn. Son, Gov. Hojai, S/Nagar,

Identified by me -

[Signature]
29/7/02
Notary Public
Solely for the purpose of this Affidavit

[Signature]
29/7/02
R.P. Rly.
पुणे विभागा अधिकारी (राज्य)
पुणे. पुणे. नागरी