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**COURT NOTICE
(U/o 5 Rule 20 CPC)**

**IN THE COURT OF Dr. Ram Niwas Bharati
District and Sessions Judge Sirsa**

**Next Date, Purpose of case, Orders and Judgments as well as other
case information is available on <http://ecourts.gov.in>**

**KAMLESH
Vs.
GENERAL PUBLIC**

**CNR No. HRSI01-009437-2019
Next Date:- 23-03-2020**

PUBLICATION ISSUED TO:

GENERAL PUBLIC

:-

SIRSA, DISTRICT SIRSA.

To,

The Manager
CHARDI KALAN.

Whereas it has been proved to the satisfaction of the Court that the defendant(s)/respondent(s) above named cannot be served in the ordinary way of service. Hence, this proclamation **under order 5 Rule 20 CPC** is hereby issued against him/them and should appear personally or through their counsel on **23-03-2020 at 10:00 a.m.**

Take notice that, in default of his/their appearance on the day before mentioned, the above said case will be heard and determined in his/their absence according to law.

Given under my hand and the seal of the Court, this **28-02-2020**.



**District and Sessions Judge
Sirsa**

IN THE COURT OF DISTRICT JUDGE SIRSA, DISTT SIRSA.

CIVIL APPEAL NO of 2019

1. Civil Suit no. - CNR no HRS102-000636-2015
2. Date of Institution - 14-5-2015/10-4-2017
3. Date of decision - 5-8-2019
4. Date of filing of appeal - 29-8-2019
5. Value of suit for the purpose - 200/-
Of court fee and jurisdiction
6. Value of appeal for the purpose - 200/-
Of court fee and jurisdiction
7. Court fee stamp affixed on the appeal - 25/-

.....
Kamlesh aged about 43 years wife of Shri Bhola Ram
Son of Shri Kehar Singh R/o Village Nehrana Tehsil
and Distt Sirsa.

..Appellant/plaintiff

Vs

1. General Public
2. Rai Sahab son of Shri Kehar Singh R/o Village
Nehrana Tehsil and Distt. Sirsa.

....Respondents/ defendants

Appeal against judgment and decree dated
5-8-2019 passed Shri Abhishek Chaudhary , Civil
Judge (Junior Division) Sirsa, whereby the
suit of the plaintiff/appellant has been

254-CA
30-8-19

dismissed, which is against law and facts, without application of judicious mind to the facts of the case and the law on the subject.

Claim in appeal

For acceptance of the appeal and setting aside the judgment and decree under appeal and for decreeing the suit of the plaintiff/appellant with cost, throughout.

Grounds of Appeal

R/Sir,

The appellant/plaintiff respectfully submitted as under:-

1. That the impugned judgment and decree dt. 5-8-2019 passed by Shri Abhishek Chaudhary , Civil Judge(Junior Division) Sirsa are wrong against law and facts based upon conjectures and surmises and are the result of non application of judicious mind to the facts of the case and the law on subject and the same is liable to be reversed. **The certified copy of the judgment and decree are attached with the grounds of the appeal.**
2. That the findings of the Learned Trial Court on issues no. 1 is erroneous and liable to be reversed. This issue ought to have been

decided in favour of the plaintiff/appellant and against the respondents. By deciding this issue against the appellant a grave injustice has been caused to the appellant.

3. That the judgment and decree passed by the Learned Trial Court are perverse and illegal one and the same is liable to be set-aside.
4. That brief facts of the case are that the marriage of the plaintiff was solemnized with Bhola ram son of Shri Kehar Singh on 7-6-1989 as per Hindu rites and ceremonies of the parties at Village Chulli Kalan , Tehsil and Distt Hisar. The husband of the plaintiff was having two brothers namely Vinod and Rai Sahab (defendant no.2). The marriages of Bhola Ram and his brother Vinod were solemnized on the same day with two rear sisters i.e. plaintiff Kamlesh and Santosh respectively as is depicting from the Ration card belonging to the family of Vinod Kumar which consisted Vinod Kumar himself , his mother Smt Sharbati ,his wife Smt Santosh and two children namely Suman and Sandeep, which is clearly proving the fact that the Santosh was married to Vinod and the plaintiff is no concern with the

family of Vinod Kumar on the other hand defendant no 2 Rai Sahab is falsely claiming that the plaintiff is wife of Vinod Kumar and that plaintiff was never married to Bhola Ram , although there is no iota of truth in it and the same has been claimed by Rai Sahab by divorcing from the truth. Husband of the plaintiff namely Shri Bhola Ram has left the village in the year 1993 and has not returned till date and is unheard being a missing person since 1993. The plaintiff being wife and sole legal heir of Bhola Ram has every right over the property owned by her husband Shri Bhola Ram as Shri Bhola Ram is recorded owner of the suit property. The plaintiff and other family members have searched for Bhola Ram here and there but despite their best efforts he was not traced out. Ultimately the matter regarding missing of Bhola Ram has been reported to Village Panchayat as well as to the police concern and the police concerned has recorded a Rapat no 26 dt 21-4-2015 at PS N.S Chopta Distt Sirsa in this regard. The husband of plaintiff Shri Bhola Ram is not heard from last more than 22 years from filing

of the suit and so it is to be presumed that he is died civilly and his civil death is liable to be declared as per provisions of the law , because the stipulated period more than 7 years has already been elapsed , so the missing person is liable to be declared dead person. The plaintiff is sole legal heir of Shri Bhola Ram and there are no other legal heir of Shri Bhola Ram except the plaintiff. The plaintiff has filed the suit on the basis of aforesaid facts those were deserves to be accepted but the learned lower court erred by dismissing the suit of the plaintiff, which is against law and facts of the case.

5. That the plaintiff through convincing and cogent evidence proved her case successfully as the plaintiff has examined eight reliable witnesses in her evidence and also tendered an exhibited copies of Bahi entries proving the fact of solemnization of marriage of the plaintiff with Shri Bhola Ram and the marriage of the sister of the plaintiff with Shri Vinod Kumar, who is brother of Shri Bhola Ram and also placed on the record exhibit P4 copy of Ration card belonging to the family of Vinod

Kumar and exhibit P5 and P6 copies of Voter identity card and Adhar card of Smt Santosh respectively, those documents clearly proving the fact that Vinod Kumar is married with Smt Santosh and the plaintiff has no concern with the family of Vinod Kumar. The plaintiff has also exhibited copy of Rapat no 26 dt 21-4-2015 as exhibited PW9/A regarding the fact of missing of Shri Bhola Ram husband of the plaintiff since 1993 and also got examined the police official in this respect. The convincing and reliable evidence adduced by the plaintiff has not been considered by the learned lower court, so grave injustice has been caused to the plaintiff.

6. That the Learned Lower court has acted upon the most defunctory and unreliable evidence led by the respondents and has brushed aside the most cogent , convincing, trustworthy and reliable evidence led by the appellant.
7. That the judgment of Learned Trial court is not based on sound reasoning and appreciation of evidence and on the law of the subject and thus the same is liable to be set-aside.
8. That the appeal lies to this Hon'ble court.

9. That the appeal is filed on the requisite court fee.

10. That the appeal is within limitation.

Hence prayed that keeping in view the totality of the facts and circumstances of the case the appeal of the appellant, may kindly be accepted by setting aside the impugned judgment and decree and the suit of appellant/plaintiff be decreed with costs, throughout, in the interest of justice.

Sirsa/ *20/8/2019* Submitted by

Presented by Sh. *B.S. Thind, Adv.* Kamlesh wife of Shri Bholu Ram Son
Put up in Peshi on... *Today*
Dated... *30/8/19* of Shri Kehar Singh R/o Village
[Signature]
Superintendent
Gr. II (Judl.) Nehrana Tehsil and Distt Sirsa.

Respected Sir,
Court fee is called and
appeal is within limitation.

[Signature]

[Fingerprint]
[Signature]
Kamlesh

[Signature]

THROUGH:- B.S. THIND ADVOCATE SIRSA