

Covering Letter

From,

Khan Zishan Masood, (UP 2480)
Nyayadhikari, Gram Nyayalay,
Sirauli Gauspur, District Barabanki.

To,

The Registrar General,
Hon'ble Allahabad High Court.

**Subject: Request for Protection and transfer of files beyond the Civil
jurisdiction of the Gram Nyayalay.**

Respected Sir,

To begin with, I apologize with folded hands for writing this directly to you. However Sir I humbly submit that I have tried my level best to reach you through The District Judge (Official Communication channel) but have failed miserably. I wrote my representation to The Respected District Judge to be forwarded to the Hon'ble Court on 07.09.22 but he did not forward the same to you. After I emailed him the same representation on 08.09.22, he wrote back to me a frivolous letter to create an obstacle. Sir, I would narrate all the facts in detail. Also Attached is a sequence of events dates wise.

Hon'ble Sir, I had written a representation on 07.09.22 to the Respected District Judge to be forwarded to the Hon'ble High Court. This representation in annexed as **Annexure I**. The District Judge did not forward the same to the Hon'ble High Court. I request your Kindness to peruse my representation (**Annexure I**). I had submitted the representation in written in a sealed envelope for privacy and had duly received an acknowledgement (**Annexure II**). On enquiring on 08.09.22 I was told that the same has not been forwarded yet. I was told that the representation is being sent back and The Respected District Judge has refused to take cognizance of it. I had to finally send an Email on the Districts Courts official email ID on 08.09.22.

Thereafter The Respected District Judge Communicated to me via email on 08.09.22 at 8.04pm a letter directing me to submit the details of one “printed list”. This letter of The Respected District Judge is annexed as **Annexure III**. Sir, I humbly submit that I was dumbfounded by the letter of The Respected District Judge.

Sir, on page 1 Para 2 my representation starts with the details of the events of 16.07.22. and 23.07.22. I had submitted my first letter (**Annexure VI**) requesting transfer of files to The Respected District Judge on 16.07.22 The Respected District Judge directed me to file a Verified printed list. The desired **Printed verified list** was submitted to The Respected District Judge on 23.07.22. The acknowledgement of the same is annexed as **Annexure IV. I had submitted this Acknowledgement along with the representation as an annexure.** The printed verified list is also annexed as **Annexure V**. Sir each page is signed by me personally. The list is also signed by the clerks and reader and also contains a duly verification statement by me at the end. This annexure IV was sent along with representation to The Respected District Judge as annexure 3 to it. Sir, my letter had already clearly sequenced in detail the events. I had clearly submitted that the list was already sent on 23.07.22. The receiving / acknowledgement (Annexure IV) clearly and conclusively proves the same. Despite that The Respected District Judge instead of forwarding my representation to The Hon’ble High Court directed me file the details of the Printed List.

The Respected District Judge Vide his letter dated 08.09.22 is feigning as if the Printed Verified List has not been submitted. The acknowledgement (Annexure IV) clearly proves otherwise. The Respected District Judge twice threatened me to take back the letter and everything was well within his knowledge. My Sir I submit at your feet that his letter (Annexure III) dated 08.09.22 is such a **Blatant Lie** that I am shocked to my bones at his conduct. Sir, I profusely apologize in saying that The Respected District Judge is lying through his teeth. Sir, I shall prove the same with your kind permission.

- 1. The receiving (Annexure IV) itself proves the same that Printed verified list was duly submitted.**
2. Sir my representation (**Annexure I**) itself clearly details that I had submitted the printed list on 23.07.22 itself. The receiving (**Annexure IV**) was also attached therewith. However The Respected District Judge in his letter dated 08.09.22 (Annexure III) inquired into the same facts again. This is unexplainable as to why the facts already informed along with the receiving

were being asked again. This was to merely obstruct the representation from the reaching the Hon'ble High Court.

3. If for one moment, if one imagines hypothetically that the list was not submitted, The Respected District Judge never directed me between 16.07.22 to 08.09.22 (ie 52 days) to submit the same although it a serious issue of subject matter jurisdiction.
4. My initial letter to The Respected District Judge (**Annexure VI**) dated 16.07.22 has not been denied by The Respected District Judge. It came to his knowledge on that very day that there is a serious issue related to Subject Matter Jurisdiction in the Gram Nyayalay, despite that he did not pass any written direction to me to submit the Printed List if according to him he did not receive it. Sir, it is humbly submitted that the printed list was in his possession the entire time.
5. The Report regarding the Civil Jurisdiction submitted with the initial letter dated 16.07.22 to The Respected District Judge is annexed as **Annexure VII**. My initial letter and the report were sufficient in itself for The Respected District Judge to decide the issue of jurisdiction. The list could have been summoned later for actual transfer of files. There was no impediment in deciding the issue based on the letter and report itself. However the same was not decided. Though the list was duly submitted on 23.07.22. The Respected District Judge sat on the request for 52 days which in turn obstructed justice to litigants and caused delay in "Action Plan" files.
6. The Respected District Judge threatened me to take my letter back. Everything was well within knowledge. While threatening me on 27.08.22 The Respected District Judge told me that several transfer applications and representations were pending or have been decided related to the Civil Jurisdiction of the Gram Nyayalay, Sirouli Gouspur. Thus he is hesitant to pass fresh orders. I have no personal knowledge of the pendency nor do I have any other means to know about the same. If a report is summoned from The Respected District Judge as to how many Transfer applications / Representations were pending on 27.08.22 it would corroborate my submission. It may also be enquired from him as to how many Transfer applications / Representations were decided prior till 06.09.22 and how many have been decided **on or after 07.09.22** i.e. after my representation came to the knowledge of The Respected District Judge. These details may also corroborate my submissions.

7. Sir, I have a witness in whose presence the District Judge Threatened me on 29.08.22.
8. Sir, in my humble submission, once I had referred the matter (annexure I) to the Hon'ble High Court it was only appropriate and legal for The Respected District Judge to refer the representation to The Hon'ble High Court. Sir, it is humbly submitted that The Respected District Judge should have forwarded the representation to the Hon'ble High Court with his comments, denial or allegations whatsoever that the printed verified list was not submitted. However he chose not to forward the same. This was illegal in itself. He prevented my request from reaching the Hon'ble High Court. Sir, once I wrote to the Hon'ble High Court, he only had the Administrative jurisdiction to forward it with his comments or denial. Sir I submit at your feet that preventing my letter to reach the Hon'ble high Court was grossly illegal on the Administrative side. **This is Blatant interference is the Administrative Jurisdiction of the Hon'ble High Court.**

Sir I submit at your feet with folded hands to take into cognizance the Blatant lie from The Respected District Judge and the interference in the exercise of the power of the Hon'ble High Court.

Kindly Place this letter along with my attached main Representation dated 07.09.22 before the Hon'ble court for orders and necessary action.

I shall be obliged for life.

Dated: 09.09.2022

Thanking You,

Yours faithfully,



Khan Zishan Masood,

Nyayadhikari,

Sirauli Gauspur, Barabanki

Mob : 9044305432

My Main Representation dated 07.09.22 that was not forwarded

From,

Khan Zishan Masood, (UP2480)
Nyayadhikari, Gram Nyayalay,
Sirauli Gauspur, District Barabanki.

To,

The Respected Registrar General,
Hon'ble High Court of Allahabad.

Through,

The Respected District Judge,
Barabanki.

Subject: Request for Protection and transfer of files beyond the Civil jurisdiction of the Gram Nyayalay.

Respected Sir,

I am writing this with deep regret, pain and trepidation. This letter has arisen out of constant and high degree torture that I am suffering at the hands of the Hon'ble District Judge.

I have taken charge of the Gram Nyayalay on 05th July 2022. As I Presided over the Gram Nyayalay I found that several Regular Suits were being heard in the Gram Nyayalay which were not within the Civil Jurisdiction of the Gram Nyayalay as per the Gram Nyayalay Act, 2008. On observing the same I referred the matter to the learned District Judge with a detailed report. The copy of the same is being annexed herein as annexure 1. The same was received by the office of the District Judge on 16.07.2022. The copy of receiving is annexed herein as annexure 2. The District Judge directed to file a printed lists of suits as the same was initially submitted as hand written. The same was promptly submitted on 23.07.22 (annexure 3). Thereafter several days passed by but no order was passed on it. I enquired several times but no response was received.

Thereafter on 27.08.2022 The Respected District Judge told me to take back the letter and directed me to bring the receiving that I had (annexure 2). The district Judge words were "वो लेटर वापस ले लो और रिसीविंग अगली बार लेते आना। मैंने इस बिंदु पर कई स्थानांतरण प्रार्थना पत्र व प्रत्यावेदन पूर्व में खारिज किये हैं और अभी कई लंबित हैं पर मैं अब कोई नया आदेश नहीं करूँगा।"

I requested the Hon'ble District Judge that if the assertions in my report are wrong, kindly reject the same so that there is clarity and I can proceed with the suits as many included files are in final arguments stage. On this the district Judge told me "तुम्हारा दिमाग बहुत खराब है। एक तुम ही कानून जानते हो क्या। पहले कैसे चल रही थी फाइल, वैसे ही चलाते

रहो। जजमेंट पे है तो जजमेंट कर दो, कोई दिक्कत नहीं होगी। लगता है ज्यादा कानून पढ़ लिए हो। जो बोल रहा हूँ वैसे करो नहीं तो दिमाग ठीक कर दूंगा।”

On 29.08.2022 when I did not submit the receiving and refused to take the letter back, the District Judge threatened me to be ready for serious consequences. The Hon'ble District Judge is coercing me to pass orders in files which are in my humble opinion not within the Jurisdiction of the Gram Nyayalay. I am being forced to pass Judgments which are beyond Jurisdiction. The respected District Judge has not passed orders on the Jurisdiction issue in about 50 days now and is coercing me to take my letter back.. This is causing grave injustice to the litigants and is obstructing justice. This is affecting the running of court. Several files included in the list are put up and as presiding officer I remain in constant quandary and confusion and justice is being obstructed.

The issue involved herein is subject matter jurisdiction of the court (Gram Nyayalay) and is extremely sensitive and serious. There is limited scope of appeal against the judgments of The Gram Nyayalay. I have indicated the same in the report. There is coercion upon me to act against my conscience and pass illegal and beyond jurisdiction orders and judgments. I had even cited relevant case laws in the report.

I also informed the Hon'ble District Judge that several files included in the list are “Action Plan” files and the Hon'ble High Court has directed for their prompt disposal. Since subject matter jurisdiction is in doubt, it is causing delay. Hon'ble District Judge told me “एक्शन प्लान की फाइल है तो निस्तारित कर दो नहीं तो इसी बिंदु पर तुम्हारे खिलाफ कार्यवाही कर दूंगा”. Thus, I am being forced to pass illegal orders and do acts which are against judicial impropriety.

I fear that the Hon'ble District Judge may act upon his threat to malign my career. I also fear that if the representation is not decided at the earliest it is bound to cause grave injustice to the litigants. I have never in my career faced any allegation of any nature whatsoever or have ever been charged with indiscipline conduct, not even once.

Kindly place this representation along with annexure 1 before the Hon'ble High Court for appropriate orders on the transfer of files.

I submit and Beg at the feet of the Hon'ble court with folded hands for my life, career and reputation.

Dated: 07.09.2022

Thanking You,

Yours faithfully,



Khan Zishan Masood,
Nyayadhikari,
Sirauli Gauspur, Barabanki

List and Sequence of events

- 16th July 2022: My first letter reaches The District Judge Requesting Transfer of Civil files beyond Jurisdiction.
- 17 July 2022: The District Judge directs to file Printed Verified List.
- 23 July 2022: The Duly verified printed List is filed and acknowledgement received.
- 27 Aug 2022: District Judge Coerces me for the first time to take the letter back.
- 29 Aug 2022: District Judge threatens me to be ready for serious consequences.
- 7 Sep 2022: I submit my representation to the Hon'ble High Court through the Respected District Judge.
- 8 Sep 2022: I email the representation on the District Courts Email ID as I receive no satisfactory communication from The Respected District Judge's office.
- 8 Sep 2022: The Respected District Judge frivolously enquires about the submission of the duly verified printed list. (8:04 Pm)
- 9 Sep 2022: Since my representation was not being forwarded in two days, I submit it directly for your kind perusal.

List of Annexures

- Annexure I** : My Representation to The Hon'ble High Court that was not forwarded.
- Annexure II** : Acknowledgement / Receiving of The Representation
- Annexure III** : Order of The District Judge dated 08.09.2022 to obstruct the forwarding.
- Annexure IV** : Acknowledgement / Receiving of the Submission of Printed verified List.
- Annexure V** : Printed duly verified List.
- Annexure VI** : My first letter dated 16.07.22 requesting Transfer of files.
- Annexure VII** : Report on Civil Jurisdiction of Gram Nyayalay annexed to initial letter.

Annexure I

(My Representation to The Hon'ble High Cour that was not forwarded.)

From,

Khan Zishan Masood, (UP2480)
Nyayadhikari, Gram Nyayalay,
Sirauli Gauspur, District Barabanki.

To,

The Respected Registrar General,
Hon'ble High Court of Allahabad.

Through,

The Respected District Judge,
Barabanki.

Subject: Request for Protection and transfer of files beyond the Civil jurisdiction of the Gram Nyayalay.

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The issue involved herein is subject matter jurisdiction of the court (Gram Nyayalay) and is extremely sensitive and serious. There is limited scope of appeal against the judgments of The Gram Nyayalay. I have indicated the same in the report. There is coercion upon me to act against my conscience and pass illegal and beyond jurisdiction orders and judgments. I had even cited relevant case laws in the report.

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Dated: 07.09.2022

Thanking You,

Yours faithfully,



Khan Zishan Masood,
Nyayadhikari,
Sirauli Gauspur, Barabanki

Annexure II

Acknowledgement / Receiving of The Representation

From,

Khan Zishan Masood, (UP2480)
Nyayadhikari, Gram Nyayalay,
Sirauli Gauspur, District Barabanki.

To,

The Respected District Judge,
Barabanki.

Subject: Request for Forwarding my representation to the Honble High Court.

Respected Sir,


This is to humbly and profusely request that enclosed herein in a sealed envelope is a representation in two copies that I wish to send to the Hon'ble High Court.

I beg your honour to kindly forward the same to the Hon'ble High Court.

Dated: 07.09.2022

Thanking You,

Yours faithfully,


Khan Zishan Masood,
Nyayadhikari,
Sirauli Gauspur, Barabanki

*Recd a sealed
envelope
07/09/22
Khan Zishan Masood*

Annexure III

Order of The District Judge dated 08.09.2022 to obstruct the forwarding.

प्रेषक,

जनपद न्यायाधीश,
बाराबंकी।

सेवा में,

न्यायाधिकारी,
ग्राम न्यायालय सिरौली गौसपुर,
बाराबंकी।

पत्रांक 1212/XV
महोदय,


दिनांक - 08.09.2022

आप अपने पत्र दिनांकित 07.09.2022 का सन्दर्भ ग्रहण करें, जो महानिबन्धक, माननीय उच्च न्यायालय, इलाहाबाद को सम्बोधित है। उक्त के द्वारा आपने इंगित किया है कि ग्राम न्यायालय सिरौली गौसपुर में लम्बित वाद, जिनको निस्तारित करने का क्षेत्राधिकार ग्राम न्यायालय को नहीं है, उसकी लिस्ट अधोहस्ताक्षरी को प्रेषित की गयी थी और उस पर कोई आदेश अधोहस्ताक्षरी द्वारा नहीं किया गया है। इस सन्दर्भ में आप अवगत हों कि दिनांक 16.07.2022 को आपके द्वारा पत्र प्रेषित करते हुए यह अवगत कराया गया था कि ग्राम न्यायालय सिरौली गौसपुर में कुछ पत्रावलियाँ, जिनकी लिस्ट संलग्न की गयी थी, पर विचार करने का अनुरोध किया गया था। पत्र के साथ संलग्न लिस्ट का अवलोकन करने से यह पाया गया कि लिस्ट में कुल 113 वाद अंकित किये गये थे, किन्तु लिस्ट के किसी भी पेज पर न तो सूची तैयार करने वाले और न ही मिलान करने वाले लिपिक के हस्ताक्षर थे और न ही सम्बन्धित न्यायालय के पीठासीन अधिकारी द्वारा हस्ताक्षरित थी। आपके द्वारा प्रेषित प्रार्थना पत्र जब अधोहस्ताक्षरी के समक्ष रखा गया तो उस पर यह आदेश किया गया कि, "Put up with due verified list of Suits pending in court of Nyayadhikari, Gram Nyayalaya, Sirauli Gauspur."

उक्त आदेश के अनुपालन में आपके द्वारा किस पत्र से और किस तिथि को सत्यापित वादों की सूची आपके द्वारा जनपद न्यायालय बाराबंकी को प्रेषित की गयी, इस सम्बन्ध में अविलम्ब पत्रांक का हवाला देते हुए अधोहस्ताक्षरी को अवगत करायें।

संलग्नक-
पत्र एवं मुकदमों की लिस्ट।

दिनांक 08.09.2022

भवदीय

(रवीन्द्र नाथ दूबे)
जनपद न्यायाधीश,
बाराबंकी।

Annexure IV

Acknowledgement / Receiving of the Submission of Printed
verified List.

96.	मूलवाद सं. 1257/2017	भोलानाथ बनाम मीना देवी	बैनामा निरस्तीकरण	28.07.2022
97.	मूलवाद सं. 1175/2019	जवाहर लाल बनाम ननकू आदि	वसीयतनामा निरस्तीकरण	28.07.2022
98.	मूलवाद सं. 789/2015	गायत्री देवी बनाम छंगालाल	वसीयतनामा निरस्तीकरण	28.07.2022
99.	मूलवाद सं. 03/2022	राममिलन बनाम अनारकली आदि	दानपत्र निरस्तीकरण	28.07.2022
100.	मूलवाद सं. 295/2011	टहलू बनाम शीला	बैनामा निरस्तीकरण	29.07.2022
101.	मूलवाद सं. 1265/2017	मन्तूना बनाम रामसुरेश	वसीयतनामा निरस्तीकरण	29.07.2022
102.	मूलवाद सं. 1264/2017	मन्तूना बनाम रामसुरेश	वसीयतनामा निरस्तीकरण	29.07.2022
103.	मूलवाद सं. 13/2021	अंशू बनाम पूनम देवी	बैनामा निरस्तीकरण	30.07.2022
104.	मूलवाद सं. 21/2021	हरिमोहन शुक्ला बनाम रमाकान्त आदि	इकरारनामा निरस्तीकरण	17.08.2022
105.	मूलवाद सं. 167/2019	राममनोहर बनाम शकुन्तला आदि	वसीयतनामा निरस्तीकरण	27.07.2022
106.	मूलवाद सं. 89/2016	शिवमगन आदि बनाम हरिनाम	बैनामा निरस्तीकरण	29.07.2022
107.	मूलवाद सं. 874/2019	तजम्मुल बनाम मो. अहमद	हिबानामा निरस्तीकरण	17.08.2022
108.	मूलवाद सं. 600/2015	बृजरानी बनाम मो. शुपेब आदि	बैनामा निरस्तीकरण	05.08.2022
109.	मूलवाद सं. 929/2016	रामरानी बनाम मातादीन आदि	वसीयतनामा निरस्तीकरण	10.08.2022
110.	मूलवाद सं. 1160/2018	नेवार अली बनाम शायरा बानो	बैनामा निरस्तीकरण	10.08.2022
111.	मूलवाद सं. 08/2022	राकेश दास आदि बनाम रामजी गुप्ता आदि	बैनामा निरस्तीकरण	01.08.2022
112.	मूलवाद सं. 12/2022	गोकरन बनाम लक्ष्मन	वसीयतनामा निरस्तीकरण	16.08.2022
113.	मूलवाद सं. 10/2022	फूलचन्द्र आदि बनाम रामबरन आदि	बैनामा निरस्तीकरण	16.08.2022
114.	मूलवाद सं. 13/2022	प्रमेश्वरदीन बनाम ओमप्रकाश आदि	बैनामा निरस्तीकरण	18.08.2022

तैयारकर्ता- *A*

जांचकर्ता *D*

This list has been verified by me with all due diligence.

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23.07.2022

A
22.07.22
न्यायाधिकारी, राम न्यायालय
सिरौलीगौसपुर, बाराबंकी

*Receivers Signature Highlighted

Annexure V

Printed Duly Verified List.

क्र.सं.	वाद संख्या	नाम पक्षकार	वाद का प्रकार	नियत तिथि
1.	मूलवाद सं. 754/2017	रामदत्त बनाम रामनरेश	मंजूरी बैनामा	03.08.2022
2.	मूलवाद सं. 690/2018	ललित कुमार बनाम जंग बहादुर	मंजूरी बैनामा	03.08.2022
3.	मूलवाद सं. 28/2020	मालती उर्फ पद्मावती बनाम रीना	मंजूरी वसीयतनामा	03.08.2022
4.	मूलवाद सं. 06/2022	पूर्णमासी बनाम अमरेश कुमार	मंजूरी बैनामा	03.08.2022
5.	मूलवाद सं. 473/2017	मथुरा प्रसाद सिंह बनाम कुशमेश कुमार	बैनामा निरस्तीकरण	03.08.2022
6.	मूलवाद सं. 933/2019	राम गुलाम बनाम सूरसती उर्फ फुलझरा	मंजूरी बैनामा	05.08.2022
7.	मूलवाद सं. 1039/2013	सीमा देवी उर्फ दयावती बनाम कलावती	मंजूरी वसीयतनामा	05.08.2022
8.	मूलवाद सं. 01/2022	रामशंकर उर्फ बाबा श्यामपुरी बनाम राजेन्द्र आदि	मंजूरी बैनामा	05.08.2022
9.	मूलवाद सं. 02/2022	रामशंकर उर्फ बाबा श्यामपुरी बनाम परसराम	मंजूरी बैनामा	05.08.2022
10.	मूलवाद सं. 753/2015	मंगला देवी बनाम राधेश्याम आदि	निरस्तीकरण वसीयतनामा	05.08.2022
11.	मूलवाद सं. 275/2019	सोनावती बनाम उमाशंकर आदि	मंजूरी बैनामा	05.08.2022
12.	मूलवाद सं. 247/2016	उमाशंकर आदि बनाम रामप्रसाद आदि	मंजूरी बैनामा	05.08.2022
13.	मूलवाद सं. 320/2017	जगजीवन प्रसाद बनाम रामनाथ आदि	मंजूरी बैनामा	05.08.2022
14.	मूलवाद सं. 520/2016	पद्मावती आदि बनाम मनोज आदि	निरस्तीकरण वसीयतनामा	05.08.2022
15.	मूलवाद सं. 1153/2010	अमरेश कुमार उर्फ अमरेश चन्द्र बनाम हर खास व आम ग्राम अगेहरा आदि	उद्घोषणात्मक वाद	06.08.2022
16.	मूलवाद सं. 1088/2015	गया प्रसाद बनाम रामलाल	बैनामा निरस्तीकरण	08.08.2022
17.	मूलवाद सं. 19/2021	नौमीलाल बनाम देशीदीन उर्फ देशी	दावा बंटवारा	10.08.2022
18.	मूलवाद सं. 1284/2015	बिन्देश्वरी बनाम शिवमंगला आदि	मंजूरी हिबानामा	10.08.2022
19.	मूलवाद सं. 295/2015	बिन्देश्वरी बनाम शिवमंगला आदि	मंजूरी वसीयतनामा	10.08.2022
20.	मूलवाद सं. 293/2014	राम जानकी जी बनाम सावित्री देवी आदि	मंजूरी बैनामा	11.08.2022
21.	मूलवाद सं. 215/2020	लल्लू आदि बनाम रामसेवक	मंजूरी वसीयतनामा	25.07.2022
22.	मूलवाद सं. 760/2019	मुरली देवी बनाम जमील अहमद आदि	मंजूरी बैनामा	24.08.2022
23.	मूलवाद सं. 25/2021	कौशल किशोर बनाम सुशील कुमार	मंजूरी वसीयतनामा	26.08.2022

24.	प्र.स.वाद सं. 01/2021	ज्योति बनाम मनोहर आदि	मूलवाद मंजूरी वसीयतनामा	26.08.2022
25.	प्र.स.वाद सं. 122/2020	जितेन्द्र बनाम सन्तोष	मूलवाद मंजूरी वसीयतनामा	29.07.2022
26.	मूलवाद सं. 1379/2019	रमाशंकर बनाम विमलेश आदि	निरस्तीकरण वसीयतनामा	26.08.2022
27.	मूलवाद सं. 15/2021	वसीम आदि बनाम मो. तस्मीन उर्फ चुन्ना	दावा बेदखली	26.08.2022
28.	मूलवाद सं. 16/2021	नियाज बनाम मो. नसीम	दावा बेदखली	26.08.2022
29.	मूलवाद सं. 155/2017	प्रदीप कुमार बनाम गेंदलाल	मंजूरी बैनामा	24.08.2022
30.	मूलवाद सं. 769/2014	सीता देवी बनाम गयास अहमद	निरस्तीकरण इकरारनामा	24.08.2022
31.	मूलवाद सं. 04/2022	सुशील कुमार बनाम राम किशोर	मंजूरी वसीयतनामा	26.08.2022
32.	मूलवाद सं. 308/2019	चन्द्रकला बनाम सत्यनाम	मंजूरी बैनामा	24.08.2022
33.	मूलवाद सं. 276/2019	चन्द्रकला बनाम सत्यनाम	मंजूरी बैनामा	24.08.2022
34.	मूलवाद सं. 309/2019	चन्द्रकला बनाम सत्यनाम	मंजूरी बैनामा	24.08.2022
35.	मूलवाद सं. 270/2017	हरिनाम बनाम बगुला देवी	निरस्तीकरण विक्रय पत्र	24.08.2022
36.	मूलवाद सं. 972/2017	आरती बनाम शशी वर्मा	मंजूरी हिवानामा	24.08.2022
37.	मूलवाद सं. 1127/2019	पन्नालाल बनाम सुशीला देवी	निरस्त किये जाने रजिस्ट्री	10.08.2022
38.	मूलवाद सं. 73/2013	शशांक सोनकर बनाम अनीता कुमारी	घोषणात्मक वाद	24.08.2022
39.	मूलवाद सं. 610/2020	कासिम हुसैन बनाम मो. सईद	बैनामा निरस्तीकरण	17.08.2022
40.	मूलवाद सं. 295/2008	रामसमुझ बनाम भजन आदि	मंजूरी पंजीकृत विलेख	17.08.2022
41.	मूलवाद सं. 05/2022	पूर्णमासी बनाम अमरेश कुमार	दावा मंजूरी बैनामा	24.08.2022
42.	मूलवाद सं. 710/2004	श्यामकला बनाम सुरसता	मंजूरी बैनामा	27.07.2022
43.	मूलवाद सं. 752/2008	धर्मराज बनाम विश्वनाथ	मंजूरी बैनामा	27.07.2022
44.	मूलवाद सं. 421/2015	औशन गौतम बनाम पुतीलाल गौतम	दावा बंटवारा मकान	04.08.2022
45.	मूलवाद सं. 49/2017	मो. शकील बनाम अफसर जहां आदि	मंजूरी बैनामा	30.07.2022
46.	मूलवाद सं. 958/2018	काशीराम बनाम निर्मला आदि	मंजूरी बैनामा	30.07.2022
47.	मूलवाद सं. 1545/2019	मुख्तार बनाम अलाउद्दीन	मंजूरी वसीयतनामा	06.08.2022

48.	प्र.स.वाद सं. 19/2007	दिनेश चन्द्र बनाम राकेश आदि	मूलवाद मंजूरी बैनामा	29.07.2022
49.	मूलवाद सं. 894/2013	प्रदीप उर्फ रामसिंह बनाम हरनाम आदि	मंजूरी बैनामा	25.08.2022
50.	मूलवाद सं. 216/2020	बाबूराम बनाम उर्मिला	मंजूरी वसीयतनामा	07.09.2022
51.	मूलवाद सं. 10/2021	सन्तोष कुमार बनाम विशाल पाण्डेय आदि	मंजूरी इकरारनामा	01.08.2022
52.	मूलवाद सं. 11/2021	सन्तोष कुमार बनाम विशाल पाण्डेय आदि	मंजूरी बैनामा	01.08.2022
53.	मूलवाद सं. 1134/2017	राशिदा बानो बनाम मो. इश्तियाक	मंजूरी वसीयतनामा	06.08.2022
54.	मूलवाद सं. 1089/2018	अनिल कुमार यादव बनाम दुर्गेश	बैनामा निरस्तीकरण	30.07.2022
55.	मूलवाद सं. 04/2021	श्रवण कुमार आदि बनाम मनोज कुमार आदि	मंजूरी वसीयतनामा	17.08.2022
56.	मूलवाद सं. 01/2021	नेवल किशोर बनाम जुनैद अंसारी	मंजूरी बैनामा	17.08.2022
57.	मूलवाद सं. 528/2020	राज बहादुर बनाम शिवकुमारी	मंजूरी वसीयतनामा	17.08.2022
58.	मूलवाद सं. 1036/2009	स्वामीदीन बनाम कमलेश आदि	दावा बंटवारा	18.08.2022
59.	मूलवाद सं. 1468/2019	रमेश आदि बनाम श्रीमती राजवती	दानपत्र निरस्तीकरण	30.09.2022
60.	मूलवाद सं. 1466/2019	रमेश आदि बनाम श्रीमती राजवती	दानपत्र निरस्तीकरण	30.09.2022
61.	मूलवाद सं. 572/2004	वीरेन्द्र कुमार बनाम रामसेवक	विक्रयपत्र निरस्तीकरण	29.07.2022
62.	मूलवाद सं. 853/2019	कामता प्रसाद बनाम ओम प्रकाश आदि	मंजूरी बैनामा	30.09.2022
63.	प्र.स.वाद सं. 11/2019	गुलाम वारिस बनाम मो. शमी	मूलवाद दावा बंटवारा	29.08.2022
64.	मूलवाद सं. 231/2018	फूलमती बनाम मेवालाल आदि	मंजूरी हिबानामा	24.08.2022
65.	मूलवाद सं. 481/2014	अजय कुमार सिंह बनाम सुमिता आदि	मंजूरी बैनामा	28.09.2022
66.	मूलवाद सं. 1183/2010	शान्ती बनाम सुशान्तो	मंजूरी बैनामा	05.08.2022
67.	मूलवाद सं. 1245/2019	दयाराम बनाम हनोमान	मंजूरी वसीयतनामा	13.09.2022
68.	मूलवाद सं. 1299/2012	अनीसा बानो बनाम मो. वसीम आदि	मंजूरी वसीयतनामा	27.07.2022
69.	मूलवाद सं. 493/2019	लल्लन बनाम राधेश्याम	मंजूरी वसीयतनामा	14.09.2022
70.	मूलवाद सं. 205/2012	जगदेव बनाम मु. रताना आदि	मंजूरी बैनामा	27.07.2022
71.	मूलवाद सं. 293/2018	श्रीमती शकुन्तला बनाम नीतू आदि	बैनामा निरस्तीकरण	22.08.2022

72.	मूलवाद सं. 342/2018	श्रीमती शकुन्तला बनाम नीतू आदि	बैनामा निरस्तीकरण	22.08.2022
73.	मूलवाद सं. 1308/2018	नीतू तिवारी बनाम लक्ष्मीनरायन आदि	बैनामा निरस्तीकरण	07.09.2022
74.	मूलवाद सं. 582/2012	विनय कुमार बनाम विनीत कुमार	वसीयतनामा निरस्तीकरण	28.07.2022
75.	मूलवाद सं. 945/2012	मोहीउद्दीन आदि बनाम साहिला आदि	बैनामा निरस्तीकरण	27.07.2022
76.	मूलवाद सं. 1197/2017	मो. इलियास चिश्ती बनाम अमित कुमार आदि	घोषणात्मक आजप्ति	18.08.2022
77.	मूलवाद सं. 378/2012	राधेश्याम बनाम रामप्यारी	बैनामा निरस्तीकरण	04.08.2022
78.	मूलवाद सं. 875/2019	लालकुंवर आदि बनाम माता प्रसाद आदि	बैनामा निरस्तीकरण	10.08.2022
79.	मूलवाद सं. 342/2006	प्यारे लाल बनाम इरशाद एजु. सो.	बैनामा निरस्तीकरण	29.07.2022
80.	मूलवाद सं. 248/2014	शमदानी बनाम मो. सलाउद्दीन	बैनामा निरस्तीकरण	24.08.2022
81.	मूलवाद सं. 965/2019	रमेश चन्द्र बनाम शिवशंकर	बंटवारा	24.08.2022
82.	मूलवाद सं. 1234/2012	फूलमती बनाम जगन्नाथ आदि	वसूली क्षति धनराशि	24.08.2022
83.	मूलवाद सं. 894/2011	त्रिवेणी बनाम शिवदास	बंटवारा	27.07.2022
84.	मूलवाद सं. 816/2012	स्वामी गिरि बनाम कृष्ण यदुवंश मणि	बैनामा निरस्तीकरण	27.07.2022
85.	मूलवाद सं. 591/2014	बिन्द्रा प्रसाद बनाम रमझरा आदि	बैनामा निरस्तीकरण	27.07.2022
86.	मूलवाद सं. 722/2005	अजय कुमार बनाम ग्राम पंचायत आदि	घोषणात्मक	27.07.2022
87.	मूलवाद सं. 666/2015	साकेशरन बनाम ननकू आदि	बंटवारा	27.07.2022
88.	मूलवाद सं. 17/2021	हरिनाम बनाम विजय कुमार	इकरारनामा निरस्तीकरण	27.07.2022
89.	मूलवाद सं. 03/2021	हरिनाम बनाम रामू	बैनामा निरस्तीकरण	26.08.2022
90.	मूलवाद सं. 1353/2013	हनुमन्त सरन बनाम प्रेमसरन आदि	बैनामा निरस्तीकरण	26.07.2022
91.	मूलवाद सं. 115/2018	भाईलाल बनाम रवि कौशल आदि	बैनामा निरस्तीकरण	26.07.2022
92.	मूलवाद सं. 772/2016	मंशाराम बनाम अर्जुन कुमार आदि	बैनामा निरस्तीकरण	25.07.2022
93.	मूलवाद सं. 480/2018	तारा देवी बनाम मुजीबुर्रहमान आदि	बैनामा निरस्तीकरण	25.07.2022
94.	मूलवाद सं. 209/2020	सूर्यबक्श सिंह बनाम श्रीमती उर्मिला आदि	बैनामा निरस्तीकरण	25.07.2022
95.	मूलवाद सं. 401/2015	संजय कुमार आदि बनाम मुकेश	वसीयतनामा निरस्तीकरण	25.07.2022

96.	मूलवाद सं. 1257/2017	भोलानाथ बनाम मीना देवी	बैनामा निरस्तीकरण	28.07.2022
97.	मूलवाद सं. 1175/2019	जवाहर लाल बनाम ननकू आदि	वसीयतनामा निरस्तीकरण	28.07.2022
98.	मूलवाद सं. 789/2015	गायत्री देवी बनाम छंगालाल	वसीयतनामा निरस्तीकरण	28.07.2022
99.	मूलवाद सं. 03/2022	राममिलन बनाम अनारकली आदि	दानपत्र निरस्तीकरण	28.07.2022
100.	मूलवाद सं. 295/2011	टहलू बनाम शीला	बैनामा निरस्तीकरण	29.07.2022
101.	मूलवाद सं. 1265/2017	मन्तूना बनाम रामसुरेश	वसीयतनामा निरस्तीकरण	29.07.2022
102.	मूलवाद सं. 1264/2017	मन्तूना बनाम रामसुरेश	वसीयतनामा निरस्तीकरण	29.07.2022
103.	मूलवाद सं. 13/2021	अंशू बनाम पूनम देवी	बैनामा निरस्तीकरण	30.07.2022
104.	मूलवाद सं. 21/2021	हरिमोहन शुक्ला बनाम रमाकान्त आदि	इकरारनामा निरस्तीकरण	17.08.2022
105.	मूलवाद सं. 167/2019	राममनोहर बनाम शकुन्तला आदि	वसीयतनामा निरस्तीकरण	27.07.2022
106.	मूलवाद सं. 89/2016	शिवमगन आदि बनाम हरिनाम	बैनामा निरस्तीकरण	29.07.2022
107.	मूलवाद सं. 874/2019	तजम्मुल बनाम मो. अहमद	हिबानामा निरस्तीकरण	17.08.2022
108.	मूलवाद सं. 600/2015	बृजरानी बनाम मो. शुबेब आदि	बैनामा निरस्तीकरण	05.08.2022
109.	मूलवाद सं. 929/2016	रामरानी बनाम मातादीन आदि	वसीयतनामा निरस्तीकरण	10.08.2022
110.	मूलवाद सं. 1160/2018	नेवार अली बनाम शायरा बानो	बैनामा निरस्तीकरण	10.08.2022
111.	मूलवाद सं. 08/2022	राकेश दास आदि बनाम रामजी गुप्ता आदि	बैनामा निरस्तीकरण	01.08.2022
112.	मूलवाद सं. 12/2022	गोकरन बनाम लक्ष्मन	वसीयतनामा निरस्तीकरण	16.08.2022
113.	मूलवाद सं. 10/2022	फूलचन्द्र आदि बनाम रामबरन आदि	बैनामा निरस्तीकरण	16.08.2022
114.	मूलवाद सं. 13/2022	प्रमेश्वरदीन बनाम ओमप्रकाश आदि	बैनामा निरस्तीकरण	18.08.2022

115. R.S.P. 633/15 रामरती बनाम ललित कुमार

हिबानामा निर. 19.07.2022

तैयारकर्ता- A

जांचकर्ता D

This list has been verified by me with all due diligence.

23.07.2022

न्यायाधिकारी, ग्राम न्यायालय
सिरौलीगौसपुर, बाराबंकी
22.07.22

Annexure VI

My first letter dated 16.07.22 requesting Transfer of files.

**Khan Zishan Masood,
Nyayadhikari, Gram Nyayalaya,
Sirouli Gauspur,
District Barabanki.**

To,

The Hon'ble District Judge,
District Barabanki.

**Sub: Report and Request to transfer Files beyond Civil Jurisdiction
of Gram Nyayalaya.**

Respected Sir,

I took charge of the Gram Nyayalaya - Sirouli Gauspur on 5th of July. During regular hearing it transpired that several Civil Suits (Instrument cancellation, Declaration, etc.) are pending in the Gram Nyayalaya which are in my humble understanding beyond the Civil Jurisdiction of the Gram Nyayalaya. Annexed herein is the detailed report of the provisions, Judgments of Hon'ble High Courts and reasons in my humble understanding due to which I believe in bonafide that the suits are beyond jurisdiction. The report is humbly submitted for your kind perusal. Annexed herein also is the list of the above class of suits.

I request your kindness to consider the transfer of these files from this court. I would be highly obliged.

Thanking You.

Yours Faithfully,


16.07.22

Khan Zishan Masood,
Nyayadhikari, Gram
Nyayalaya, Sirouli Gauspur,
District Barabanki.

Mr. Kaur
16.07.22 2:20 PM

Annexure:

1. Detailed report on Jurisdiction
2. List of suits.

Annexure VII

Report on Civil Jurisdiction of Gram Nyayalay annexed to initial letter.

Report on Civil Jurisdiction of Gram Nyayalaya.

Section 13 of The Gram Nyayalaya Act, 2008 reads as follows:

13. Civil jurisdiction.— (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or any other law for the time being in force, and subject to sub-section (2), the Gram Nyayalaya shall have jurisdiction to—

(a) try all suits or proceedings of a civil nature falling under the classes of disputes specified in Part I of the Second Schedule;

(b) try all classes of claims and disputes which may be notified by the Central Government under sub-section

(1) of section 14 and by the State Government under sub-section (3) of the said section.

(2) The pecuniary limits of the Gram Nyayalaya shall be such as may be specified by the High Court, in consultation with the State Government, by notification, from time to time.

Thus the jurisdiction of the Gram Nyayalaya is defined by the **Part I of the Second Schedule** which reads as follows:

THE SECOND SCHEDULE

(PART I - SUITS OF A CIVIL NATURE WITHIN THE JURISDICTION OF GRAM NYAYALAYAS)

(i) Civil Disputes:

- (a) **right to purchase of property;**
- (b) use of common pasture;
- (c) regulation and timing of taking water from irrigation channel.

(ii) Property Disputes:

- (a) **village and farm houses (Possession);**
- (b) water channels;
- (c) right to draw water from a well or tube well.

(iii) Other Disputes:

- (a) claims under the Payment of Wages Act, 1936 (4 of 1936);
- (b) claims under the Minimum Wages Act, 1948 (11 of 1948);
- (c) money suits either arising from trade transaction or money lending;
- (d) disputes arising out of the partnership in cultivation of land;
- (e) disputes as to the use of forest produce by inhabitants of Gram Panchayats.

As can be seen the main categories are village and farm houses (Possession) and right to purchase of property. Thus property disputed related to village and farm houses which are purely

possession disputes can be heard by the Gram Nyayalaya. Similarly only right to purchase property (Haq-e-Shufa, Specific performance of sale deed, etc) suits which purely deal with right to purchase property can be heard by the Gram Nyayalaya. Thus suits related to cancellation of instruments (Sale deed, Gift deed, wills), Declaration, eviction are beyond the scope of the Gram Nyayalaya Act.

Summary – Nature of proceedings under the gram Nyayalaya Act

Section 23, 24, 30 and 31 of The Gram Nyayalaya Act, 2008 renders the proceeding before the Gram Nyayalaya to be of summary nature. The provisions of Code of Civil Procedure and Evidence Act do not apply in entirety to the proceedings under the Gram Nyayalaya Act. Suits such as cancellation of instruments and declaration require full trial under the code of civil procedure strictly according to Evidence Act for just disposal. Thus these suits are beyond the scope of The Gram Nyayalaya Act.

Limited scope of appeal.

Section 34 of The Gram Nyayalaya Act provides that

“34. Appeal in civil cases.—

(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or any other law, and subject to sub-section

(2), an appeal shall lie from every judgment or order, not being an interlocutory order, of a Gram Nyayalaya to the District Court.

*(2) **No appeal shall lie from any judgment or order passed by the Gram Nyayalaya—***

(a) With the consent of the parties;

(b) Where the amount or value of the subject matter of a suit, claim or dispute does not exceed rupees one thousand;

*(c) **Except on a question of law, where the amount or value of the subject matter of such suit, claim or dispute does not exceed rupees five thousand.***”

There are several suits of cancellation of will and sale deeds where the market value of the disputed land would be very high but the suit is valued well below Rs 1000 as per Land Revenue Assessment. If these suits of cancellation (valuation below 1000 but high market value) are decided by The Gram Nyayalaya summarily there would be no appeal as per the Act and the summary judgement of the court would attain finality even in high value suits.

Rulings of the Hon'ble High Courts.

1. **Raghunath And Ors vs Mangi Lal - No Jurisdiction on Pathway/Road encroachment Suit**

Hon'ble Rajasthan High Court

S.B. CIVIL WRIT PETITION NO.5002/2012

"I would allow this petition on the ground that the Gram Nyayalaya had no jurisdiction to entertain and address a plaint where the cause of action was stated to lie on alleged encroachment of a public road / right of way."

2. **Surinder Pal Singh vs District Judge – No Jurisdiction for Declaration Suit**

Hon'ble Punjab-Haryana High Court

C.R.No.703 of 2011

"A bare perusal of Part I of Second Schedule reproduced hereinabove nowhere envisages that a suit for declaration in respect of a Jagir Estate, is falling in the categories specified therein and as such, the learned Gram Nyayalaya has no jurisdiction to entertain a suit in respect of declaration relating to a Jagir Property between the parties."

3. **Kamal Kanta And Ors vs Labh Singh - No Jurisdiction for cancellation Suit**

Hon'ble Punjab-Haryana High Court

Civil Revision No.3235 of 2015 (O&M)

"I am of the view that the declaration qua setting-aside of the judgment and decree dated 17.10.2014 and sale deed bearing No.3590 dated 6.1.2015 would not fall within the ambit/embrace of 2008 Act and the Civil Court would have the jurisdiction to try and entertain the suit, much less pass the judgment and decree in case respondent-plaintiff succeeds in proving the averments made in the plaint."

4. **Kunhabdulla K.V vs Ammad , - NO jurisdiction to pass any order in a rent control proceedings.**

Hon'ble Kerala High Court

OP (RC).No. 173 of 2017 (O)

5. **Civil Revision No. 1220 Of 2 vs Mohinder Kaur**

Hon'ble Punjab-Haryana High Court

Civil Revision No. 1220 of 2011

The dispute involved in the suit is with regard to the Government Grant to the Jagirdars which by its nature and incidents and as per the terms and conditions of the Grant is inalienable and the succession is to be regulated in terms of the rules framed by the Government viz. Granter of Land and provisions of Transfer of Property Act and the general laws/ enactment are not applicable..... Prima facie, the dispute involved in the suit is not within the ambit of the jurisdiction of Rural Courts.

This Report has been prepared to the best of my knowledge and understanding. Kindly condone any mistake on my part.

This report is humbly submitted for your kindest perusal.

Thanking You.

Yours Faithfully,

Khan Zishan Masood,
Nyayadhikari, Gram Nyayalay,
Sirouli Gauspur,
District Barabaki.