

To,

Respected

Registrar General

Hon'ble High Court of Judicature at Allahabad.

(With a request to kindly place it before the Hon'ble Administrative Judge, Kanpur Nagar)

Through,

Respected District Judge,

District and Sessions Court,

Kanpur Nagar.

**Subject- Representation against remarks given by Respected District Judge, Kanpur Nagar in assessment in the Annual Self Assessment 2023-24 of Case ID- A00017702024.**

My Lord,

The undersigned most humbly begs to submit that the remarks given by Respected District Judge in Annual Self Assessment for the year 2023-2024, Case ID- A00024762024 was communicated to the applicant through online portal on 01.06.2024.

With due respect the undersigned would like to submit following facts and circumstances regarding above subject for kind consideration before the Hon'ble Court/ Hon'ble Administrative Judge-

1. It is most respectfully and humbly submitted that for the Assessment year 2023-24, the Respected District Judge, Kanpur Nagar has mentioned in Column no.01 (f) Whether Judgement on facts and on law are the whole sound, well reasoned and expressed in good language?

***'The officer required improvement in narrating the facts and he needs some practice on mentioning the law. He also needs some attention on reasoning.'***

In Column No. 4, the Respected District Judge has mentioned in Other remarks,

***'The arguments advanced by the parties are mentioned in a cryptic manner, while every person placing argument before Court of law, wishes that these must be acknowledged by the Court at least in judgment.'***

It is my most humble and respectful submission that the undersigned has attached three judgements for the Assessment year 2023-24. In the judgements attached, the undersigned has given conclusion on every issue framed, discussing the pleadings, evidence and relevant provisions of law. The undersigned has categorically mentioned the facts of the



case, oral and documentary evidence, issues framed and thereafter the undersigned has discussed all the issues with the relevant pleading, evidence and relevant case laws. The undersigned has discussed all the issues and given separate findings and conclusions on every issue. It is most humbly submitted that as per my understanding all issues should be decided by the court and the language of the judgement should be of simple, crisp and concise which leaves no room for ambiguity, regarding the final decision and adjudication by the court. The undersigned has appraised the pleadings in light of the evidence presented by the parties and cited case laws relevant to issues before the court for adjudication.

2. In Column No. 4, the Respected District Judge has mentioned in Other remarks,

(a) ***'While discussing the issue no. 1, framed, as to whether the grounds are sufficient to declare the civil deaths, initially the Officer has expressed her view that the prayer is not maintainable but in conclusion she mentioned that the plaintiff is failed to prove the issue no. 1.'***

It is my most humble submission that in the attached judgement of Ramesh Chandra V. State of U.P. (O.S. NO.127 of 2021) the undersigned has relied upon the reasoning of the Hon'ble Supreme Court in the case of ***L.I.C of India V Anuradha 2004 (3) SCR 629*** wherein the Apex court in *para no 14* has laid down the principle that ***"...An occasion for raising the presumption would arise only when the question is raised in a court, tribunal or before an authority who is called upon to decide as to whether a person is alive or dead. So long as the dispute is not raised before any forum and in any legal proceedings the occasion for raising the presumption does not arise."***

It is most respectfully submitted that the undersigned, in her above mentioned judgment, has never raised the issue of maintainability, but has only relied on the principle laid down by the Hon'ble Supreme Court and to the best of her understanding and ability, tried to apply it to the present case. In her reasoning the undersigned has clearly mentioned that the plaintiff in his case before the court has failed to establish any dispute that has arisen before any forum and in any legal proceedings. It was the case of the plaintiff that he approached the court in absence of any legal proceeding and only on the advise of some people he approached the present court to obtain a declaration of civil death just to be safe.

(b) ***'The Officer did not provided any judgment in contested original civil suits.'***

It is my most humble submission that the undersigned has attached two civil original suit judgements for declaration of civil death, Anju Sahu V. State of U.P. (O.S. NO. 342 of 2021) and Ramesh Chandra V. State of U.P. (O.S. NO.127 of 2021). In the case of Anju Sahu V. State of U.P. the counsel for the State of U.P. has entered an appearance, represented the state and contested the claim of the plaintiff by filing the written statement. It is noteworthy that the counsel for the state has also denied the claim of the plaintiff at the

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stage of final arguments. After hearing both the parties the suit was decided on merit and the suit was allowed.

Similarly, in the case of Ramesh Chandra V. State of U.P. (O.S. NO.127 of 2021) the counsel for the State of U.P. has entered an appearance, represented the state and contested the claim of the plaintiff by filing the written statement. The counsel for the defendant has also cross-examined the witness and filed written arguments. After hearing both the parties the suit was decided on merit and the suit was dismissed.

**(c) 'D.O. No. 02/24 Dated 16.02.2024 was issued for not submitted the report in compliance of direction issued on judicial side.'**

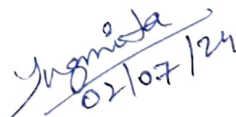
It is most humbly submitted that upon receiving the **D.O. No. 02/24 Dated 16.02.2024** seeking explanation from the undersigned for not submitting the report in compliance of direction issued on judicial side, the undersigned submitted her explanation on 19.02.2024, after which no further explanation was sought by the Respected District Judge.

Regarding the suggestions given by the respected District Judge, Kanpur Nagar the undersigned humbly submits that she will be mindful of the suggestions and the same shall be incorporated in future.

Thanking you in anticipation of your Lordship's empathetic view in this matter.

Date: 02.07.2024

With Profound Regards,

  
Yugmita Pratap

Additional Civil Judge (J.D.) - 10

Kanpur Nagar

J.O. Code-UP3640