

To,

The 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,

The District Judge

Lakhimpur Kheri

Hon'ble Lordship ,

It is most humbly and respectfully submitted that the learned District Judge Kanpur Nagar has given the following remarks; that **the integrity of the officer is beyond doubt, the relations with the members of the Bar is cordial and harmonious, fair and impartial in dealing with public and bar, cool minded and doesn't lose temper in court, private character in public doesn't adversely affect the discharge of her duties, cause list has been properly fixed, sufficient number of cases has been fixed to keep engaged during full court hours, unnecessary adjournments have been avoided, control over the office and administrative tact is skillful, relations with members of the bar is congenial, relations with brother/sister officers is harmonious, punctual and regular, and behavior towards women is respectful.**

The target/required units for the undersigned was 695.36 units and the undersigned has achieved a total of 1255.62 units against the required target. The undersigned was also entrusted with the responsibilities of the Nodal Officer for Post death benefits and compassionate appointment and the District Judge has remarked that **any deficit or negligence in contribution of the officer towards her administrative responsibilities is not reported.**

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The undersigned has disposed 90 cases of criminal nature which were more than 5 years old and has disposed 174 cases of civil nature which were more than five years old, 54 Civil cases and 46 cases Of criminal nature which were more than 10 years old. The undersigned has also disposed 166 cases of civil nature and 78 cases of criminal nature of persons with more than 65 years of age.

The undersigned has disposed 5 civil cases and 8 criminal cases in the National Lok Adalat and the undersigned has also disposed 741 crinimal cases in Lok Adalat organized for Petty Offences.

It is most respectfully and humbly submitted that for the Assessment year 2023-24, the learned District Judge, Kanpur Nagar has given remarks in Column No.4 Other Remarks.

In this regard it is humbly submitted that in the judgment of Case No. 1718 of 1987, it is mentioned that whether the parties have adduced oral evidence or not. From the perusal of the judgment, it transpires that evidence lead by parties has been mentioned. At para 2 of page no. 9, it is written that the evidence lead in case No. 1360 of 1997 will be read over in this judgment. Further the undersigned has mentioned that Shri Ashok Dutt is examined as PW1, Shri Kishan Dutt is examined as DW3 and Shri Ajay Dutt is examined as DW4. The judgment has been delivered by the undersigned in accordance with law after examining the evidence with respect to the pleadings and applicability of law therein.

As far as mentioning of final conclusion at the end of issue no. 3, 4 and 5, from the perusal of the judgment, issue No. 3 was already decided in case no. 1360/1997 vide order dated 08.08.2007 and portion of defendant was separated which is mentioned by the undersigned. Regarding issue No.4, the claim was surrendered by the parties and with respect to issue no.5 which was framed regarding the probate of will, it is clearly mentioned that testamentary suit No. 02/1986, was already decided vide order 01.09.2006 and will was declared probate. Since the claim was already surrendered therefore no evidence was mentioned with respect to issue No.4. Further in issue No.2 the claim of the parties has already been discussed and concisely decided. Therefore no further discussion regarding

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evidence was done while deciding issue No.4. With regard to issue No.6 regarding misjoinder of parties, all the unnecessary parties were already struck out and the remaining parties were necessary and proper parties, therefore issue no.6 was decided in affirmative and no misjoinder of parties were found. Regarding Issue No.7 it is been mentioned by respected District Judge that relief, facts, evidence and conclusion is not mentioned. In this regard it is humbly submitted that issue no. 7 was framed regarding relief. Already while deciding rest of the issues related to fact, pleadings and evidence of the parties were elaborately discussed and therefore only conclusion is mentioned that plaintiff is entitled to get the possession of 1/10 share of the property after partition. It is further submitted that facts of the case has already mentioned in detail in pages 1 to 7 of the judgment and while deciding factual issues evidence of the parties has been discussed which also included all the oral and documentary evidence lead by the defendant.

As far as judgment of suit No. 148/2000 is concerned, the learned District Judge has remarked that **the oral evidence adduced by the parties have been mentioned. Three issues are framed. The discussion and conclusion is made only for issues no. 1 and 2. Issue number three is not dealt with separately.** In this regard the undersigned most humbly submits that the main relief i.e., the issue number one was decided in favor of the plaintiff and the third issue being **any other relief that the court deems fit**, was an ancillary relief and the undersigned did not find it necessary to discuss as to whether any ancillary relief be granted to the plaintiff.

Regarding of judgment of suit No. 539/1999, as far as presence of defense is concerned, at page No. 5 of the judgment it is mentioned that during argument neither the defendants, nor the learned counsel of the defense was present. Ample opportunities for argument was given to the defense however due to continuous non-presence and case being critically old, opportunity for arguments was closed which was mentioned in the order sheet of the case in question. As far as directly jumping to the evidence while deciding issue No. 1, 2, 3 and 4 is concerned, the facts were already mentioned in the beginning of the judgment. Further the affidavit filed in examination-in-chief by the parties was verbatim with the

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pleading of the parties and therefore to avoid repetition of facts, pleadings were not mentioned. As far as issue regarding section 34 of Specific Relief is concerned, the issue was framed on the basis of pleadings of the defendant. Defendant did not adduce any evidence with regard to the same, nor has pressed the issue but a general statement was made in the written statement in a very routine way. The suit was filed for the relief of cancellation of sale deed and permanent injunction and as such suit was not barred by section 34 of the Specific relief act.

With regard to the judgment in Criminal Case No. 150 of 2013, it is mentioned by the respected District judge that proper appreciation of facts and evidence is missing, however it has been mentioned by the respected District judge only that the officer has applied law, mentioned the facts and arguments up to paragraph 19, and from paragraph 23 to 28, the officer has discussed the facts, evidence, law and drawn conclusion therein. To my understanding, the undersigned has given clean, concise and categorical finding on each offence leaving no ambiguity as such. The issues involved have been decided in totality and the language of the judgment is of common parlance leaving no ambiguity, regarding the final decision and adjudication by the court.

Criminal Case No. 150 of 2013, was related to Domestic Violence Act and therefore the pleadings of the parties and affidavit filed as examination-in chief was verbatim. Since pleadings of the parties was already mentioned, to avoid repetition, the examination-in-chief was not mentioned but cross-examination was evidence. Thereafter, appraisal of facts and evidence was done at page 5 and 6 and in light of the statutory provisions and principle propounded in various case laws, conclusion was drawn by the undersigned.

Regarding non-mentioning of the paragraph in the judgment, the undersigned most humbly submits that the judgment relates to cases under domestic violence Act, it being a complaint case the undersigned did not specifically write the observations paragraph wise. The undersigned will bear in mind that such irregularities be not repeated in future.

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With regard to the Transfer Applications No. 568/2023, 406/2023 and 643/2023, all the transfer applications were rejected by the respected District Judge finding no merit in the applications. All the transfer application were filed on false and vexatious ground only to create undue pressure on the court which was rejected. Hence I trust the good conscience and judgment of the respected District Judge, Kanpur Nagar.

Regarding the complaint dated 25.01.2024 made by Sri Vithhal Gupta against the Officer that she is favouring the land Mafia Rajendra Prasad Gupta in Case No. 1701 of 2023 (Rajendra Prasad Vs. Neelam Gupta). First of all it is most humbly submitted that no affidavit was filed in support of the complaint. It is based on false and frivolous facts. Further the complaint was made regarding order dated 20.10.2023 passed in case No. 1701 of 2023 and no appeal or revision was preferred by the complainant or the parties which clearly implies that the complainant was not aggrieved rather it was made with ulterior motive to create undue pressure on the court. Order dated 20.10.2023 was not a final order and the aggrieved has legal remedy available to him, however no legal remedy was pursued, rather to harass, the complaint was filed. The undersigned has already given her explanation on 15.04.2024 and mentioned that the court has not intentionally done any act rather that was bonafide mistake caused by clerical error for which the undersigned seeks unconditional apology. The undersigned has submitted the following explanation "पत्रावली में पूर्व से दिनांक 08.11.2023 जवाबदाबा तथा दिनांक 15.11.2023 की तिथि वाद बिन्दू विरचन हेतु नियत थी। दिनांक 05.10.2023 को उक्त तिथि पर वादी को प्रार्थना पत्र 6ग अस्थायी व्यादेश पर एकपक्षीय रूप से सुना गया तथा 6ग के निस्तारण के लिये प्रतिवादीगण को सुनवाई हेतु नोटिस जारी करते हुए दिनांक 18.10.2023 की तिथि नियत की गयी। उक्त तिथि पर ही वादी की तरफ से मामले की अरजेन्सी बताते हुये तामीला हेतु विशेष वाहक नियुक्त करने के संबंध में प्रार्थना पत्र प्रस्तुत किया गया था, जिसे न्यायालय द्वारा स्वीकार करते हुये विशेष वाहक नियुक्त किया गया तथा पत्रावली में सहवन टंकण त्रुटिवश दिनांक 06.11.2023 की तिथि विशेष वाहक तामीला के बाबत नियत हो गयी है, जबकि प्रार्थना पत्र 6ग के निस्तारण हेतु नियत तिथि 18.10.2023 की न्यायालय द्वारा

नियत किया गया था क्योंकि 6ग की सुनवाई तामीला के बाबत ही वादी द्वारा विशेष वाहक नियुक्त करने के संबंध में प्रार्थना पत्र दिया गया था तथा 6ग के निस्तारण हेतु दिनांक 18.10.2023 की तिथि नियत की गयी थी। विशेष वाहक की तामीला आख्या प्राप्त होने के बाद वादी की तरफ से दिनांक 09.10.2023 को इस आशय से प्रार्थना पत्र अन्तर्गत धारा 151 सि०प्र०सं० प्रस्तुत किया गया कि विपक्षी लगातार उक्त विवादित सम्पत्ति पर कब्जा व बेचने पर आमादा है जिसे रोका जाना अति आवश्यक है तथा आज ही विपक्षीगण पर तामीला पर्याप्त मानते हुये 6ग पर सुनकर निस्तारण करने की कृपा करें। जिस पर न्यायालय द्वारा विपक्षीगण पर तामीला पर्याप्त जानते हुए 6ग की सुनवाई हेतु नियत तिथि पर पेश होने के बाबत पत्रावली पर आदेश पारित किया गया, क्योंकि पूर्व से ही पत्रावली में दिनांक 18.10.2023 की तिथि 6ग के निस्तारण हेतु नियत थी। उक्त प्रार्थना पत्र अन्तर्गत धारा 151 सि०प्र०सं० न्यायालय की अन्तर्निहित शक्तियों के अधीन प्रस्तुत किया गया था जिसपर न्यायालय द्वारा उक्त आदेश पारित किया गया तथा 6ग हेतु नियत तिथि दिनांक 18.10.2023 पर पत्रावली पर मेरे द्वारा 6ग एकपक्षीय सुनकर दिनांक 20.10.2023 को आदेश हेतु आरक्षित की गयी। दिनांक 20.10.2023 को मेरे द्वारा 6ग पर एकपक्षीय रूप से आदेश पारित किया गया है जहाँ तक शिकायतकर्ता के शिकायती प्रार्थना पत्र में कथन किया गया है कि दिनांक 06.11.2023 का इंतजार न करते हुये सूचना व आपत्ति का मौका न देते हुये आर्थिक लाभ लेकर निषेधाज्ञा आदेश पारित करने का संबंध है तो उक्त के संबंध में निवेदन है कि न्यायालय द्वारा 6ग के निस्तारण हेतु दिनांक 18.10.2023 की तिथि नियत की गयी थी तथा उसी तिथि के बाबत विशेष वाहक न्यायालय द्वारा नियत किया गया है तथा 6ग के निस्तारण हेतु नियत तिथि पर ही मेरे द्वारा 6ग पर सुना गया है तथा दिनांक 20.10.2023 की तिथि पर न्यायालय द्वारा आदेश पारित किया गया है। विशेष वाहक की तामीला आख्या की रिपोर्ट के साथ दिनांक 18.10.2023 की प्रस्तुत होने की बजाए 06.11.2023 की तिथि नियत हो गयी थी जिसके कारण उक्त त्रुटि कारित हुयी हैं। न्यायालय द्वारा जानबूझकर या लापरवाही द्वारा उक्त त्रुटि कारित नहीं हुयी है, जो भी त्रुटि कारित हुयी है सहवन

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भूलवश टंकण त्रुटि के कारण हुयी है।”

It has been held by the Hon'ble Allahabad High Court in the case of **M/S Pawan Garments And 2 Others vs State of UP Criminal Misc. Writ petition No. 3379/2024** that ***when hundreds of cases are listed each day before judges in district courts, every mistake during the judicial proceedings may not always be due to any ulterior motive.***

It is respectfully submitted that it was a bonafide mistake and there was no ulterior motive of the undersigned. Respected District Judge has already mentioned that the integrity of the undersigned is “**Beyond Doubt**”. Further it is also mentioned by the respected District Judge, that nothing adverse has come to his knowledge during the assessment year that lowers the private character of the undersigned in the estimation of the public and adversely affects the discharge of her official duties. It is humbly submitted that the undersigned always acts in accordance with law in light of settled laws and procedures. For the above bonafide and clerical mistake, I shall be cautious and diligent in future.

Regarding D.O. No. CV 1288/2023 DATED 31 July, 2023, was received with the direction of the Hon'ble the Administrative Judge, Kanpur Nagar for report and comments of the Officer concerned upon the complaint of Kanpur Bar Association vide Letter No. 2035/KV/2021 a D.O. No. 46/2023 DATED 11.08.2023 was issued by the Respected District Judge. In this regard it is humbly submitted that the undersigned is suffering from Rheumatoid arthritis and is required to take medicine regularly. There was a momentary lapse as the undersigned was off from the Dias for taking medicine, explanation regarding which has already been submitted to the respected District Judge along with necessary medical papers. Further the undersigned is attaching a copy of the medical papers for your kind perusal. It is further humbly submitted that I regularly and punctually hold Dias as per the timing of the Court, but on the aforesaid date mentioned it is quite possible that due to discharge of some urgent work, there may be a momentary lapse in sitting on Dias.

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It is most humbly submitted that to clear my stand, I have sought respected DJ, Kanpur Nagar to provide me the certified copies of the complaint, Transfer applications and other relevant documents etc mentioned in the aforementioned ACR; however the same/ aforesaid documents have not been provided to the undersigned till the submission of this representation.

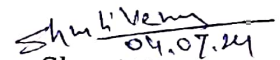
Therefore, I, most respectfully request your goodself to kindly consider my representation and Correct/Expunge the remarks as mentioned above. For this act of grace, I shall remain highly obliged to you. It is therefore, humbly requested that respected Sir may be kind enough to place my humble representation before the Hon'ble Court.

Attachment-

1. Letter regarding for the document.

Reminder- Letter regarding for the document

With profound regards,

  
04.07.24  
Shrutu Verma

Addl.Civil Judge(SD)

Lakhimpur Kheri



प्रेषिका,

श्रीमती श्रुति वर्मा  
अपर सिविल जज (सी०डि०),  
कोर्ट सं०-05, लखीमपुर-खीरी।

द्वारा- माननीय जनपद न्यायाधीश महोदय,  
लखीमपुर-खीरी।

सेवा में,

माननीय जनपद न्यायाधीश महोदय,  
कानपुर नगर।

महोदय,

माननीय महोदय से सविनय निवेदन है सत्र 01 अप्रैल 2023-31 मार्च 2024 तक की अवधि के दौरान आपके समक्ष मेरे न्यायालय से पत्रावली अंतरण हेतु प्रस्तुत हुए Transfer Application (TA) व उन पर महोदय द्वारा पारित आदेशों की सत्यापित प्रति तथा मेरे न्यायालय में महोदय द्वारा अंतरित किये गये पत्रावलियों पर अंतरण आदेशों (जो अन्य पीठासीन अधिकारियों के विरुद्ध प्रार्थना पत्र पर मेरे न्यायालय में अंतरित किये गये) की सत्यापित प्रति तथा शिकायतकर्ता बिड्डल दास गुप्ता के शिकायती प्रार्थना पत्र दिनांकित 25.01.2024 पर आपके द्वारा किये गये Vigilance Inquiry के आदेश व उक्त आदेश पर अपर जिला जज कक्ष सं०-21, श्री विनय कुमार सिंह द्वारा किये गये आदेश/आख्या की सत्यापित प्रति जिसमें उनके द्वारा अधिकारियों के Vigilance जांच करने से इंकार किया गया था, की सत्यापित प्रति व उक्त शिकायत पर की गयी समस्त कार्यवाही की सत्यापित प्रति अविलम्ब दिलाये जाने की कृपा करें। प्रार्थिनी को उपरोक्त प्रलेखों की आवश्यकता महोदय द्वारा प्रार्थिनी के विरुद्ध ACR में की गयी टिप्पणियों के परिप्रेक्ष्य में माननीय उच्च न्यायालय के समक्ष प्रतिवेदन प्रस्तुत करने हेतु आवश्यक है।

माननीय महोदय से यह भी निवेदन है कि उपरोक्त प्रलेखों की सत्यापित प्रति प्राथमिकता के आधार पर दिलाये जाने की कृपा करें जिससे प्रार्थिनी समय सीमा के अन्दर माननीय उच्च न्यायालय अपना प्रतिवेदन प्रस्तुत कर सके।

माननीय महोदय की महान कृपा होगी।

सादर।

भवदीया,

*Shruti Verma*  
25.06.24  
(श्रीमती श्रुति वर्मा)

अपर सिविल जज (सी०डि०),  
कोर्ट सं०-05, लखीमपुर-खीरी।

दिनांक-25.06.2024  
न्यायालय जनपद न्यायाधीश, लखीमपुर-खीरी.  
अख्या 960/II-4.4-24 दिनांक 26-06-2024  
अव्यस्यारित

जिला न्यायाधीश  
लखीमपुर-खीरी  
26-6-24



प्रेषिका,

श्रीमती श्रुति वर्मा  
अपर सिविल जज (सी०डि०),  
कोर्ट सं०-05, लखीमपुर-खीरी।

द्वारा- माननीय जनपद न्यायाधीश महोदय,  
लखीमपुर-खीरी।

सेवा में,

माननीय जनपद न्यायाधीश महोदय,  
कानपुर नगर।

महोदय,

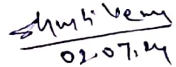
माननीय महोदय से सविनय निवेदन है मेरे द्वारा आपसे पत्रावली अंतरण हेतु प्रस्तुत हुए Transfer Application (TA) व उन पर महोदय द्वारा पारित आदेशों की सत्यापित प्रति तथा मेरे न्यायालय में महोदय द्वारा अंतरित किये गये पत्रावलियों पर अंतरण आदेशों (जो अन्य पीठासीन अधिकारियों के विरुद्ध प्रार्थना पत्र पर मेरे न्यायालय में अंतरित किये गये) की सत्यापित प्रति तथा शिकायतकर्ता बिट्टल दास गुप्ता के शिकायती प्रार्थना पत्र दिनांकित 25.01.2024 पर आपके द्वारा किये गये Vigilance Inquiry के आदेश व उक्त आदेश पर अपर जिला जज कक्ष सं०-21, श्री विनय कुमार सिंह द्वारा किये गये आदेश/आख्या की सत्यापित प्रति जिसमें उनके द्वारा अधिकारियों के Vigilance जांच करने से इंकार किया गया था, की सत्यापित प्रति व उक्त शिकायत पर की गयी समस्त कार्यवाही की सत्यापित प्रति दिलाये जाने हेतु दिनांक 25.06.2024 को आवेदन किया गया था परन्तु आज तक उक्त सत्यापित प्रतियां प्राप्त नहीं हो सकी हैं।

अतः माननीय महोदय से निवेदन है कि कल से पूर्व तक उक्त सत्यापित प्रतियां दिलाये जाने की कृपा करें।

माननीय महोदय की महान कृपा होगी।

सादर।

दिनांक-02.07.2024

भवदीया,  
  
02.07.24  
(श्रीमती श्रुति वर्मा)

कायालय जनपद न्यायाधीश, लखीमपुर-खीरी.

संख्या 986 दिनांक 02-07-2024

अव्यस्यारित

जिला न्यायाधीश  
लखीमपुर-खीरी  
02-07-24

अपर सिविल जज (सी०डि०),  
कोर्ट सं०-05, लखीमपुर-खीरी।

