

To,

The Registrar General,

High Court of Judicature at Allahabad,

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

Through,

The Respected District Judge,

Kanpur Nagar

Sub: Representation against the remarks given by the Respected District Judge, Kanpur Nagar in Annual Self-Assessment for the period 01/04/2023-31/03/2024.

My Lord,

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, Respected District Judge has mentioned Other remarks, if any -

"The judgements delivered by the Officer are organised up to certain extent. He copied the complete statement of witnesses including examination-in-chief and cross- examination and the judgement of Complaint No. 3247 of 2013, which is provided by the Officer alongwith his self- assessment, reflects that after mentioning the aforesaid evidence, the Officer straightway jumped into the conclusion on Page 10 and 11 of the judgement. Thus, the Officer is suggested to work on marshaling the facts and evidence and application of law in the judgements.

The Officer has also provided the judgement delivered by him in Civil Suit No. 75 of 2019. The suit was filed for declaration of civil death. While discussing the issue no. 1, which was framed as to whether the plaintiff is entitled for a decree for declaration, the Officer has expressed his view on the basis of law as propounded by Hon'ble Supreme Court as the relief is not maintainable but in conclusion, it is stated that the plaintiff is not able to prove the issue no. 1. The Officer is suggested to deal the issue of maintainability and jurisdiction separately as per law separately

In the judgement delivered by the Officer in Complaint Case No. 5300904 of 2012, again the lack of marshaling of facts and evidence is surfaced.



During the assessment year, no any transfer application is moved in the cases pending in the Court of Officer.

The Hon'ble High Court has issued a D.O. No. CV/193/2024 DATED 31.01.2024 calling comments of the District Judge upon the complaint moved by one Smt. Poonam Verma, feeling aggrieved by the order passed by the Officer regarding maintenance in a complaint instituted under the Protection of Women from Domestic Violence Act and alongwith the application under Section 156 (3) Cr.P.C. against her without applying the adequate law. In reply to this D.O. a report has been submitted vide letter no. 1405/I Kanpur Nagar Dated 04.06.2024

The Officer was entrusted four enquiries and he was also directed to reconstruct the records in one case. During assessment year, he submitted report in two matters. The Officer could not achieve the target of action plan."

The nature of the Officer is polite. He has cordial relation with the members of Bar and Bench.

1.Firstly as far as remarks of the Hon'ble District Judge, he has mentioned in other remarks that "The judgements delivered by the officer are organised upto a certain extent. He copied the complete statement of witness including examination in chief and cross examination and the judgement of complaint no. 3247 of 2013, which is provided by the officer alongwith his self assessment, reflects that after mentioning the aforesaid evidence, the officers straight away jumped into the conclusion on page 10 and 11 of the judgement. Thus, the officers is suggested towards the marshalling of the facts and evidence and application of law in Judgements."

As far as this remark of Hon'ble District Judge is concerned, the undersigned most humbly submits that in the said judgement the undersigned firstly mentioned the facts of the case, then the evidence adduced by the parties and thereafter, after discussing the evidence adduced, conclusion was given. It is most humbly submitted that the undersigned discussed the evidence adduced by the complainant in as easy a language there could be, because as per the understanding of the undersigned the language of the judgement should be of common parlance, leaving no room for ambiguity, regarding the final decision and adjudication by the court. The undersigned has appreciated the evidence as per his understanding and knowledge. Clean, Concise, Brief and Categorical findings were given by the undersigned on the evidence so adduced by the parties. It is most humbly submitted that the undersigned will remain mindful of the suggestions given by the respected District judge in future.

2.Secondly, as far as remarks, The Officer has also provided the judgement delivered by him in Civil Suit No. 75 of 2019. The suit was filed for declaration of civil death. While discussing the issue no. 1, which was framed as to whether the plaintiff is entitled for a decree for declaration, the Officer has expressed has view on the basis of law as propounded by Hon'ble Supreme Court as the relief is not maintainable but in conclusion, it is stated that the plaintiff is not able to prove the issue no. 1. The Officer is suggested to deal the issue of maintainability and jurisdiction separately as per law separately

It is my most humble submission that in the attached judgement of Ramadevi Vs. Sobhit Kumar Sonwani and others (O.S. NO.75 of 2019) 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 his 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 his understanding and ability, tried to apply it to the present case. In his reasoning the undersigned has clearly mentioned that the plaintiff in her case before the court has failed to establish any dispute that has arisen before any forum and in any legal proceedings.

3.Thirdly, as far as remarks,' **The Hon'ble High Court has issued a D.O. No. CV/193/2024 DATED 31.01.2024 calling comments of the District Judge upon the complaint moved by one Smt. Poonam Verma, feeling aggrieved by the order passed by the Officer regarding maintenance in a complaint instituted under the Protection of Women from Domestic Violence Act and alongwith the application under Section 156 (3) Cr.P.C. against her without applying the adequate law. In reply to this D.O. a report has been submitted vide letter no. 1405/I Kanpur Nagar Dated 04.06.2024**

It is most humbly submitted by the undersigned that the Order passed against the complainant namely one Smt. Poonam Verma, who also happens to be a practising advocate in Kanpur District Bar Association. The argument advanced by the complainant in the complaint was that the adequate law was not taken into view before passing the order against her as one of the proposed accused was the Indian Post Office for which the jurisdiction for hearing and passing appropriate order lies with the Chief Judicial Magistrate. It is most humbly submitted that the said miscellaneous application U/S 156(3) C.r.P.C was transferred to this court by the order of the respected Chief Judicial Magistrate, and therefore this court had the adequate authority and jurisdiction to hear upon the matter and pass appropriate orders, which was done as per law.

It is most humbly submitted that the order passed by the undersigned was a judicial order and if the complainant had any grievance against it, she could have taken recourse of legal remedies available to her.

4. Fouthly, as far as remarks, ***The officer was entrusted four enquiries and he was also directed to reconstruct the records in on case. He has submitted reports in two matters.*** It is most humbly submitted that the undersigned was entrusted with four preliminary enquires and two reconstructions. The undersigned has disposed three preliminary enquires and one reconstruction in the assessment year 2023-24. The details of enquiries and reconstructions disposed is enumerated below-

Sr. No.	Inquiry no.	Date of disposal
1.	Preliminary Inquiry no.34/2023	29.03.2024
2.	Preliminary Inquiry no.48/2023	06.02.2024
3.	Preliminary Inquiry no.02/2024	06.03.2024
4.	Reconstruction 02/2024	06.03.2024

Alongwith the above the undersigned achieved 1699.65 units against the targetted unit of 668.64 units (254.19 %). The undersigned has disposed 216 cases of criminal nature which are more than five years old undersigned has disposed 150

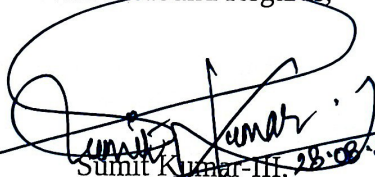
cases more than 10 years old. The undersigned has disposed 25 cases of action plan category.

As far as the suggestions given by the Respected District Judge, Kanpur Nagar, the undersigned assures the Hon'ble Court that it will be always kept in mind and the same shall be fully incorporated.

I most respectfully and humbly request your Lordship to kindly consider my representation. For this act of grace, I shall remain highly obliged to your Lordship.

Date-28.08.2024

With Profound Regards,


Sumit Kumar-III, 28.08.24
Judicial Magistrate-2,
Kanpur Nagar
J.O Code-UP3414