

MRS. AKELLA LALITHA

v.

SRI KONDA HANUMANTHA RAO & ANR.

(Civil Appeal Nos. 6325-6326 of 2015)

JULY 28, 2022

[DINESH MAHESHWARI AND KRISHNA MURARI, JJ.]

Family Law – angang gi yumnaak – angang aduda piba yumnaak ki matangda wayel gi warep kakpinaba wakatlakliba meeoimama amadi mayok yariba-mapu mathou sing (Angang adugi leikhidraba mapa gi apokpa mama-mapa) gi marakta leiba chayetnaba – Apokpa mapa leikhidraba matungda oifam thokpa amadi ain gi mityengda oifam thokpa ngaak-senbinaba mee adu wayelgi warep kakpinaba wakatlakliba meeoimama khaktana oibana angang adugi yumnaak adu kari oigani haina leppa nagammi – Mahaaki ahanba mapuroiba leikhidraba matungda amuk hana mahakna luhongkhiba anisuba mapuroiba adugi yumnaak adu angang aduda piba yabra aduga anisuba mapuroiba aduda angang adu yokhanba yabra – Loukhiba warep: Wayel gi warep kakpinaba wakatlakliba meeoimama adu khaktana angang adugi oifam thokpa ngaak-senbinaba mee oibana angang adugi yumnaak kari oigani haiba gi warep loujabagi hak lei – Angang adu atopada yokhanaba pibagi hak adusu mangonda lei – Wayelgi warep kakpinaba wakatlakliba meeoimama aduna mahaaki ahanba mapuroiba leikhidraba matungda angang adugi amata ngairaba ngak-senbinaba mee oibana mahaakna angang adubu mahaaki anouba emung aduda yokhanbada amadi angang adugi yumnaak kari oigani haina lepchabada ain gi oiba athingba piba yaroi – Wayelgi warep kakpinaba wakatlakliba meeoimama aduna amuk hanna luhonglaba matung da angang adu gi yumnaak adu mahaaki mapuroiba gi yumnaak oihankhibada amadi angang adubu mahaakna mapuroibada yoknaba pirabafaoda karisu akaiba leite - Hindu Minority and Guardianship Act, 1956 – s.6 – Hindu Adoption and Maintenance Act, 1956 – s. 9 (3) amadi 12.

Family Law – Angang gi yumnaak - angang aduda piba yumnaak ki matangda wayelgi warep kakpinaba wakatlakliba meeo-mama amadi mayok yariba-mapu mathou sing (Anganng adugi leikhidraba mapa gi apokpa mama-mapa) gi marakta leiba chayetnaba – Wayelgi warep kakpinaba wakatlakliba meeo-mama adu na mahaaki mapuroiba leikhidraba matungda amuk hallaga luhonglammi – Mayok yaariba meeoisingna trial court ta thaba wakat aduda angang adugi yumnaak adu hongdoknaba mateng amta nikhidraba High Court na wayelgi warep kakpinaba wakatlakliba meeo-mama da angang gi yumnaak hongdoknabagi yaathang piba ngambra – Loukhiba warep – Karigumba mateng ama chap chana nijarabada khak Court ta khut thinjinbagi sakti adu leiba yai aduga adumaina nijaba warol adu angang adugi yaifanaba gidamak henna maru oina khallaga oigadabani amasung maduna atei khannaba yaba khudingdagi henna maru oiraba mtamda oigadabani. Mayok yaariba mapu-mathou sing gi thengnariba awaba fibam aduda Court na nungsiba faoe adubu angang adugi yumnaak adu ahanba mapuroiba/mayok yaribasingi machanupa gi yumnaak ta hondoknaba karigumba mateng amata nirakhiba leite haibasidi achumba wafam amani - Wakat ashida angang adugi yumnaak hongdoknaba piba yaathang adu High Court na wakat aduda nijarakpa warolsing da gi henjinna pire aduna mashina maram oirga ashigumba yaathang ashi kakthatpa yai – Hindu Minority and Guardianship Act, 1956 - s.6 – Hindu Adoption and Maintenance Act, 1956 – s. 9 (3).

Family Law - Yumnaak – Maru oiba – Neinakhiba.

Family Law – Kanagumba ama Yokpa – Houkhiba matamda leiramba pandam – Anouba matamda yokpaga leiba wakhallon – Loukhiba Warep: Houkhiba matam dadi meeo amana kanagumba ama yokpa si meeo adu potloibinaba meeo ama thamnabani amadi meeo adugi pari-puri gi chada-naoda samtharakpa adu manghandana thamanabani, adubu houjikaandi anouba matam da angang yokpaga wakhallon asina kanagumba angang amana mahaaki pokminaba (ee na mari leinahanba) meeoising ga leiminaba fangdraba matamda amuk emung-manung ga leiminabagi punsi-mahing adu hanjilhanaba pandam thami.

Wathok aduda piba jaban sing – Nijarakpada ntaraga wathok adugi jaban da yaodaba mateng pikhre – Pikhiba adu yabra – Held: Wathok adugi jaban da yaodaba matengdi

piroidabani – Wathok ki jaban da natraga nijabada yaodaba mateng ama court na khannaraba natraga piraba amadi mayok yaribasingna madugumba mateng adubu yetpagi natraga thingbagi tanja pidrabadi, court na achumba wayel toubu ngamdaba oirakani.

Appeal adubu saruk oina yaraduna, Court na

LOUKHIBA WAREP: 1.1. Ahanba mapuroiba leikhidriba matung da mama aduna angang adugi oifam thokpa amadi ain gi mityengda oifam thokpa ngakpi-senbinaba amata ngairaba meei oibanina, mama aduna angang adubu mahaak ki anouba emung aduda punsinba amadi mahak ki yumnaak leppibada ain na yaba maongda athingba piba yabra haibadu udaba yaore. Yumnaak ama haibasi meei amaga mahaaki emung gi atopa meeoishinga manana leiba ming amani, meei aduda thonba ming natraga ming sing dagi tonganba; emung dugi ming amani. Yumnaak haibasi paari-puri takpa, itihaski, naat ki amadi paari-puri gi oiba maaongda khak khangnaroidabani adubu henna maru oina yumnaak na louriba thoudang ashi samaj ki asengba aduga mari leinana ni amadi angang singna magi-magi yum da angang oijabagi faoba eehul aduga mari leinana ni. “Emung” semduna thamnaba, mangdana thamnaba amadi uhanaba gidamak ta emungdugi yumnaak manahanbani. [Pandup 10] [790-B-C]

1.2. Wayelgi warep kakpinaba wakatlakliba meei adugi mapuroiba bu poktaba mapa ni haina kagaj singda hapnaba High Court na piba yaathang adu tamthiba yaathang amani amadi maduna angang adugi wakhal gi fibam amadi masagi ijat ta cheitheng pigani haiba khandadaba yaathang amani. Ming haibasi yaamna maru oi maramdi angang amana mahaak kanano haibasi mingduna tak e amadi magi emung gi meeoishinga ga mingda khetnabana mahak ayokpani haina hanjin-hanjin ningsinghalli aduga angang aduda kaanadaba wahang kaya hanjin-hanjin hanghanduna mahaak ka mahaakpu yokpiriba-konbiriba mama-mapa gi marak ta leinaba afaba mahousagi oiba marida amangba cheitheng pi. Maram aduna, wayelgi warep kakpinaba wakatlakliba meei- mama aduna amuk hanna luhonglaba matung da angang adu gi yumnaak adu mahaaki mapuroiba gi yumnaak oihanbada

natraga angang adubu mahaakna mapuroibada yoknaba pirabafaoda karisu akaiba leite. [Pandup 11] [797- D –F]

1.3. Angang ama yokpa si chatnahanaba gidamk dalil gi darkar tade amadi madu leiriba chatnabi gi khuthangda touraga chatnahanba yarabsu, houjik khannariba wathok ashida di wayelgi warep kakpinaba wakatlakliba meeoina haibagi matung inna 12th July, 2019 da houjik ki wakat ashi gi rai tadringei da wayel kakpinaba wakatlakliba meeo ashigi mapuroiba/angang adugi poktaba mapa na angang adu ming challaba dalil ama enaraga yokhibani. Angang amana mabu yokpiriba emung adugi asengba sadashya ama oiraklabadi, mahakna emung adugi yumnaak louba hiabsi masana tabani aduna sigumba wafam da ain gi oiba khut thinjinba haiba si chamamnaba pokhali. Houkhiba matam dadi meeo amana kanagumba ama yokpa si meeo adu potloibinaba meeo ama thamnabani amadi meeo adugi pari-puri gi chada-naoda samtharakpa adu manghandana thamanabani, adubu houjikaandi anouba matam da angang yokpagi wakhallon asina kanagumba angang amana mahaaki pokminaba (ee na mari leinahanba) meeoising ga leiminaba fangdraba matamda amuk emung-manung ga leiminabagi punsi-mahing adu hanjilhanaba pandam thami. [Pandupsing 12, 13 amadi 14] [797-F-G; 798-C-D]

Githa Hariharan and Ors. v. Reserve Bank of India and Ors., MANU/SC/0117/1999 : [1999] 1 SCR 669 – mateng loukhiba.

Encyclopedia of Religion and Ethics- neinakhiba.

2.1. Mayok yaariba mapu-mathou sing gi thengnariba awaba fibam aduda Court na nungsiba faoe adubu angang adugi yumnaak adu ahanba mapuroiba/mayok yaribasingi machanupa gi yumnaak ta hondoknaba karigumba mateng amata nirakhiba leite haibasidi achumba wafam amani. Wathok ki jaban da nijaraktaba mateng di piroidabani haibsi yanaraba ain ni. Wathok ki jaban da natraga nijabada yaodaba mateng ama court na khannaraba natraga piraba amadi mayok yaribasingna madugumba mateng adubu yetpagi natraga thingbagi tanja pidrabadi, court na achumba wayel toubu ngamdaba oirakani. [Pandup 15][798-E-F]

2.2. Wakat ashida angang adugi yumnaak hongdoknaba piba yaathang adu High Court na wathok adugi jaban da nijarakpa warolsing da gi henjinna pire aduna mashina maram oirga ashigumba yaathang ashi kakthatpa yai. [Pandup 18][799-C]

3. Mama adu khaktana angang adugi oifam thokpa ngaak-senbinaba mee oibana angang adugi yumnaak kari oigani haiba gi warep loujabagi hak lei. Angang adu atopada yokhanaba pibagi hak adusu mangonda lei. Karigumba mateng ama chap chana nijarabada khak Court ta khut thinjinbagi sakti adu leiba yai aduga adumaina nijaba warol adu angang adugi yaifanaba gidamak henna maru oina khallaga oigadabani amasung maduna atei khannaba yaba khudingdagi henna maru oiraba mtamda oigadabani.

Messrs. Trojan & Co. Ltd. v. Rm. N.N. Nagappa Chettiar, AIR 1953 SC 235 : [1953] SCR 789 amadi Bharat Amratlal Kothari & Anr. v. Dosukhan Samadkhan Sindhi & ors., AIR 2010 SC 475 : [2009] 15 SCR 662 – mateng loukhiba.

Neinakhiba wathok sing gi ain

[1999] 1SCR 669	mateng loukhiba	Pandup 9
[1953] SCR 789	mateng loukhiba	Pandup 16
[2009] 15 SCR 662	mateng loukhiba	Pandup17

CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 6325-6326 of 2015.

F.C.A. No. 236 of 2011 amadi F.C.A. No. 403 of 2012 gi tarikh 24.01.2014 da Hyderabad ta leiba High Court of Andhra Pradesh na pikhiba wayelgi warep amadi yaathang da gi.

Ravi Bossi, Surender Kumar Gupta, Wayelgi warep kakpinaba wakatlakliba meei gidamak leplibak wakilsing.

Court ki wayel gi warep adu pikhiba judge

KRISHNA MURARI , J.

1. Wayel gi gi warep kakpinaba wakatsing ashi mayok yaribasingna thaba F.C.A. No. 236 of 2011 amadi wayel gi warep kakpinaba wakatlibasingna thaba F.C.A. No. 403 of 2012 da tarikh 24.01.2014 da High Court of Andhra Pradesh na

pikhiba maanaba amadi aroiba warep adubu shingnaduna tharakpani. Wayel gi warep kakpinaba tharakpa wakatshing ashida angang gi mama amadi angang gi leikhidraba mapa gi mama-mapa sing gi marakta yetnariba si angang duda piba yumnaak ki mataangdani. Unabagi hak su wakatche da hapi amadi court ta su yetnakhidre maram aduna hiram ashida High Court na pikhiba warep adu eikhoina khannadre.

Tentakpa wari

2. Wayel gi warep kakpinaba wakatliba meeo aduga mayok yaariba singi machanupa, Konda Balaji ga 18.12.2003 da luhongkhi. Luhonglaba matungda angang ama 27.03.2006 da fangjakhi. Adum oinamak, wayel gi warep kakpinaba wakatliba meeo adugi mapuroiba adu 14.06.2006 da leikhide. Matam aduda angang adu supna gi chahi 2 tangkhai khak ta surammi. Adugi matungda, wayel gi warep kakpinaba wakatliba meeo ga IAF ta Wing Commander oiba Sri Akella Ravi Narasimha Sarma ga 26.08.2007 da luhongkhi. Luhonglaba matung da matei-mano anigi macha ama fangjaduna punna leiminari. Houjik angang, Master Ahlad Achintya ashi chahi 16 ka tha 4 khak suri amadi ain gi mityengda angang oiri.

3. The Guardian and Wards Act, 1890 gi Section 10 gi makhada respondents na makhoibu wayel gi warep kakpinaba wakatlakliba meeo gi machanupa, Master Ahlad Achintha gi ngakpi-senbigadaba meeo oina khanbinaba wakat ama 9th April, 2008 da tharami. Wakat adu thaba matamda, angang adu chahi 2 mukta ngairami aduga mayok yariba meeo shingna mkha da piriba sing pibinaba nirakkhi:

- a) Wakatliba meeo singbu ain gi thongda angang oiriba ming oina pallabada Ahlad Achintha hairiba chahi 2 suraba angang ashigi masa ngakpi-senbinaba gidamak ta khanbiba.
- b) O.P gi wakat gi aroiba rai tadringei marakta angang adu unabagi ayaba pibiba.
- c) Wakat ashigi achangba peisa.
- d) Hon'ble Court na wathok ki fibam amadi achumba wayel gi yengaga matik chai amadi maram chai khanba atei-atei mateng natraga matengsing.

4. 20.09.2011 da takhiba yaathang amada Trial Court na mayok yariba meeoishina thakhiba wakat adu kakkhi amadi angang adubu mamagi nungshiba amadi cheksinna-luna toujaba adudagi khaidoknaba haibasi maram chade haina mot pikhi. Trial Court na mayok yariba mapu-mathou adugi ahal oiraba chahi adubusu khannakhi. Adumakpu, Court na mayok yariba meeoishinda angang adu unaba gi ayaba pikhi amadi wayel gi warep kakpinaba wakatlakliba meei amadi mahak ki mapuroibada makhoigi angang adu Hyderabad ta leiba mahakki mama-mapa gi yumda tha 3 loirakpa khuding gi yarimakhei di Dussehra, Deepavali amadi Sankranthi kumhei gi numitsingda amadi school gi suti thaba matamsingda puraknaba yaathang pikhi. Mayok yariba meeoisingbu makhoi gi masu nupa du hairiba matam sigi manungda numit 2 nong nganba dagi numit taba matam faobada unabagi ayaba pikhi.

5. Nakal animak na Trial Court na pikhiba yaathang adubu High Court ta thangatlakhiba wayel gi warep kakpinaba wakat singda shingnarakhi. Yetnarakpa matam da angang adugi yumnaak tu Konda da gi Akella da hongkhibani haiba High Court na Khanglakkhi. High Court na wakat ki aroiba warep tarikh 24.01.2024 da amata oina manana piraduna makhagi yaathang sing ashi pikhi:

a) Wayel gi warep kakpinaba wakatlakliba meei haibadi Akella Lalitha na angang adugi oifam thokpa ngakpi-senbigadaba meei oigani adubu mahakna angang adu mayok yaribasing gi mayumda ningtham gi suti thaba matam da numit 2 makhoiga leiminanaba purakadabani. Mayok yaribasingna hana pao faonaraga su angang aduga unaba yagani.

b) Yaathang ashi gi nakal ama fangba numit ta gi tha 3 gi manungda wayel gi warep kakpinaba wakatlaba meeiina angang gi yumnaak amadi mapagi yumnaak hanagi maongda hanjilhanaba gidamak toufam thokpa chatnabi sing adu loisingadabani.

c) Angang adugi mapa khannarakpa matamda chejan da utpa yarimakhei apokpa mapa gi maming utkadabani natrabadi Ravi Narasimha Sarma gi ming bu poktaba mapa oina utkadabani.

Masigi High Court ki amata oiba wayel gi warep asi houjik ki wayel gi warep kakpinaba tharakpa wakatsing asida

wakatsing ashi tharakliba meei ashina shingnarakle.
Wayenbagi darkar tariba waram kharadi:-

- I. Angang dugi amata ngairaba apokpa mama/ain gi mityengda angang dubu ngakpi-senbinaba meei oiriba mama na angang dugi apokpa mapa leikhidraba matungda angang dugi yumnaak leppa ngambra haiba. Mahaakki ahanba mapuroiba leikhidraba matungda amuk hallaga luhongkhiba anisuba mapuroiba gi yumnaak oihanba yabra aduga anisuba mapuroibada angang adubu yokhanba yabra?
- II. Trial Court ta mayok yaribasingna mamangda thakhiba wakat ta angang adugi yumnaak hongdoknaba mateng amata nijakhiba leitana High Court na wayel gi warep kakpinaba wakatlakliba meei aduda angang adugi yumnaak hongdoknaba yaathang piba ngambra?

Khannaningai waram I

6. Ahanabgi khannaningai waram adubu khannaraduna, makha-thongba taba court animak na maanaba mot pikhi madudi mapa leikhidraba matungda mama na angang adugi oifam thokpa mabu ngakpi-senbigadaba meei oi.

7. Hindu Minority and Guardianship Act, 1956 ki Section 6 ki matung inna mkhagi ain oiba gi wafam sing piri:-

“Angang oiriba Hindu amagi masa amadi mahaakki lan-thum (mahakki apunba emung gi yenthoknadriba lan-thum yaodana) bu ngakpi-senbigadaba oifam thokfam meeoisingdi – (a) nupamacha oirabadi natraga yum pandribi nupimacha oiragadi, ahanba da mapa na, mathangda mama na oigani: toubatabu chahi 5 sudriba angang di mahousana mama ga leigani; (b) lannana pokpa nupamacha natraga lannana pokpa yum pandribi nupimacha oiragadi, ahanba da mama na oigani, mathangda mapa na oigani; (c) yum palaba nupi oiragdi mapuroibana oigani.”

8. The Hindu Adoption and Maintenance Act, 1956 ki **Section 9(3)** na piriba ain gi oiba wafam di,

“9(3) Mapa leikhidraba ntraga mapa aduna sangsar gi apamba thadokhraba natraga Hindu dharma chatpa

lepaba natraga matik leiba Court na ngaore haina laothokhiba taragdi, mama na angang adu atopada yoknaba pithokpa yai.”

9. *Githa Hariharan and Ors. vs. Reserve Bank of India and Ors.*¹ ki wathokta, Court asina mamabu pikliba angang gi oifam thokpa ngakpi-senbigadaba meei ama oibagi hak adu the Hindu Minroity and Guardianship Act, 1956 ki Section 6 ki makhada piraduna, mapa gi thak ka manana wangkhathankhi.

10. Mahakki ahanba mapuroiba leikhidraba matungda, angang adugi amata ngairaba oifam thokpa ngakpi-senbigadaba meei oiriba mamada angang adu mahakki anouba emung gi manung chalhanduna angang dugi yumnaak leppibada ain gi oiba maongda matou karmna athingba piba yabage haibasi eikhoina uba fangde. Yumnaak ama haibasi meei amaga mahaaki emung gi atopa meeoishinga manana leiba ming amani, meei aduda thonba ming natraga ming sing dagi tonganba; emung dugi ming amani. Yumnaak haibasi paari-puri takpa, itihaski, naat ki amadi paari-puri gi oiba maaongda khak khangnaroidabani adubu henna maru oina yumnaak na louriba thoudang ashi samaj ki asengba aduga mari leinana ni amadi angang singna magi-magi yum da angang oijabagi faoba eehul aduga mari leinana ni. “Emung” semduna thamnaba, mangdana thamnaba amadi uhanaba gidamak ta emungdugi yumnaak manahanbani.

11. Wayelgi warep kakpinaba wakatlakliba meei adugi mapuroiba bu poktaba mapa ni haina kagaj singda hapnaba High Court na piba yaathang adu tamthiba yaathang amani amadi maduna angang adugi wakhal gi fibam amadi masagi ijat ta cheitheng pigani haiba khandadaba yaathang amani. Ming haibasi yaamna maru oi maramdi angang amana mahaak kanano haibasi mingduna tak e amadi magi emung gi meeoisheng ga mingda khetnabana mahak ayokpani haina hanjin-hanjin ningsinghalli aduga angang aduda kaanadaba wahang kaya hanjin-hanjin hanghanduna mahaak ka mahaakpu yokpiriba-konbiriba mama-mapa gi marak ta leinaba afaba mahousagi oiba marida amangba cheitheng pi. Maram aduna, eikhoina appeal tourakliba meei- mama aduna amuk hanna luhonglaba matung da angang adu gi yumnaak adu mahaaki mapuroiba gi yumnaak

¹ MANU/SC/0117/1999

oihanbada natraga angang adubu mahaakna mapuroibada yoknaba pirabafaoda karisu akaiba amata ude.

12. Angang ama yokpa si chatnahanaba gidamk dalil ama darkar tade amadi madu leiriba chatnabi gi khuthangda touraga chatnahanba yarabsu, houjik khannariba wathok ashida wayelgi warep kakpinaba wakatlakliba meei aduna hai madudi 12th July, 2019 da houjik ki wakat ashi gi rai tadringei da wayel kakpinaba wakatlakliba meei ashigi mapuroiba/ angang adugi poktaba mapa na angang adu ming challaba dalil ama enaraga yokhibani. The Hindu Adoption & Maintenance Act, 1956 ki Section 12 na ain gi oiba wafam oina piri madudi *“Ayokpa angang ama si hiram khudingmakta yokpiriba mapa natraga mama gi macha ama oina mabu yokpa houba numit ta gi lougani aduga sigumba numit ashidagi houraga angang aduga magi pokfam emung duga leinaba mari khudingmak tatnare haina lougani amadi adugumba maridu mabu yokpiriba emungduna yokpiriba emungduda sembiba marisingna oina mahut singadabani.”*

13. Encyclopedia of Religion and Ethics ki matung inna, *“ Angang ama yokpa haibasi angang adu haanagi ee-gi mari thoknaba meeoising dagi anouba meei da pikhiba adubu khangnei. Angang adu pokfam oiriba emung adugi sadashya ama oiba tokani. Angang adu mahakki apokpa mama-mapa amadi ee- mari leinaba meeoising ga mari leinaba hak amadi mathou khudingmak manglagani. Anouba emung aduda, angang adu nouna poklakpa, makhal khuding gi hak amadi thoudang khudingmak yaona mafam aduda pokpa sadashya amgagum oigani.”* Maram aduna, ashigumba angang amana yokpiriba emung adugi asengba sadashya ama oiraklabadi, mahakna mabu yokpiriba emungdugi yumnaak loubha haibasi maram chai amadi sigumba wafam amada ain gi oiba khut thinjinba haibasi chamamnaba pokhalli.

14. Houkhiba matam dadi meei amana kanagumba ama yokpa si meei adu potloibinaba meei ama thamnabani amadi meei adugi pari-puri gi chada-naoda samtharakpa adu manghandana thamanabani, adubu houjikaandi anouba matam da angang yokpaga wakhallan asina kanagumba angang amana mahaaki pokminaba (ee na mari leinahanba) meeoising ga leiminaba fangdraba matamda amuk emung-manung ga leiminabagi punsi-mahing adu hanjilhanaba pandam thami. Maram aduna, mathakta neinakhriba mayamsi yenglaga,

ahanbagi khannaningai waram si wayel gi warep kakpinaba wakatlakliba meeo gi hakta/meechangda rai tare.

Khannaningai oiba waram II

15. Anisubagi khannaningai oiba waram khannarakpa matamda, mayok yaariba mapu-mathou sing gi thengnariba awaba fibam aduda Court na nungsiba faoe adubu angang adugi yumnaak adu ahanba mapuroiba/mayok yaribasingi machanupa gi yumnaak ta hondoknaba karigumba mateng amata nirakhiba leite haibasidi achumba wafam amani. Wathok ki jaban da nijaraktaba mateng di piroidabani haibsi yanaraba ain ni. Wathok ki jaban da natraga nijabada yaodaba mateng ama court na khannaraba natraga piraba amadi mayok yaribasingna madugumba mateng adubu yetpagi natraga thingbagi tanja pidrabadi, court na achumba wayel touba ngamdaba oirakani.

16. **Messrs. Trojan & Co. Ltd. Vs. Rm.N.N. Nagappa Chettiar**² ta Court asina naakal amana niraktaba mateng piba yabra, adusu maram chana wathok ki jaban thamdana, haiba waram ashi khannakhi. Court na makhagi warep ashi loukhi:

“Wathok amagi warep ama loubasi wathok aduda saruk yariba kangbu sing na wathok adugi thamba jaban nataba da yengalaga loubi yade haibasi yanaraba ain amani amadi thamlakliba wathok ki jaban aduni thigadabasi. Wakat che adu semdiktana, Court na nijaraktaba mateng ama piba gi hak leite amadi wakat che adu semdiktana nijahoudaba mateng adu tongana hapchinjage haina nijarakkhibasu leikhide.”

17. **Bharat Amratlal Kothari &Anr. Vs. Dosukhan Samadkhan Sindhi & Ors.**³ ta warep ashi loukhi:

“Aningba-apambagi matung inna na mateng pibagi pakchaona Court ta hak lei adubu mateng pibagi leijariba niti-niyom singbu udana amadi nakan da thamlaga wakatliba meeo aduna nijaraktaba mateng ama pibadi ngamde.”

18. Wakat ashida angang adugi yumnaak hongdoknaba piba yaathang adu High Court na wathok adugi jaban da

² AIR 1953 SC 235

³ AIR 2010 SC 475

nijarakpa warolsing da gi henjinna pire aduna mashina maram oirga ashigumba yaathang ashi kakthatpa yai.

19. Wafam ashiga khainadringei, ningjing-mangjingnaba poktanaba, amuk hanna hairi madudi mama adu khaktana oifam thokpa angang adugi ngakpi-senbigadaba meei oibana mangonda angang adugi yumnaak lepchabagi hak lei. Angang adu yoknaba pikhinabagi haksu mangonda lei. Karigumba mateng ama chap chana nijarabada khak Court ta khut thinjinbagi sakti adu leiba yai aduga adumaina nijaba warol adu angang adugi yaifanaba gidamak henna maru oina khallaga oigadabani amasung maduna atei khannaba yaba khudingdagi henna maru oiraba mtamda oigadabani. Mathakta khannakhriba mayamsi yenglaga , angang dugi yumnaak ka mari leinana High Court na pikhiba yaathang sing adu kakthatlae.

20. Masina maram oiraga, wayel gi warep kakpinaba tharakpa wakatsing ashigi saruk khara yare.

21. Wathok asigi maong amadi wathok asida yaoriba kangbu sing gi thak yenglaga, wayel kakpinaba wakatsing asi soknabada changkhiba senfam adu nakal animak masa-masa na puthokchanaba yaathang piri

Bibhuti Bhushan Bose

Wayel kakpinaba tharakpa wakatsing gi saruk khara yare