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(2009) 04 AHC CK 0247

In the Allahabad High Court

Ram Pal — APPELLANT

Vs

S.D.O. — RESPONDENT

Date of Decision : 27-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0247

Hon'ble Judges : S.U.Khan, J

Final Decision : Disposed Of

Judgement

S.U. Khan, J.

This writ petition arises out of proceeding for entry of petitioner''s name in the family register as son of late Ramanand under Rule 6(2) of U.P. Panchayat Raj (Maintenance of Family Registers) Rules 1970. A.D.O.(P) Nath Nagr, Dist Basti decided the matter in favour of the petitioner through order dated 11.03.1986 holding that petitioner was son of Ramanand. Against the said order late respondent no.2 Smt. Murta filed an appeal under Rule 6A of the Rules before S.D.O. (Appeal no.336) claiming that petitioner Ram Pal was not son of Ramanand. None of the parties dispute that Smt. Murta was wife of Ramanand. Appellate Court S.D.O. Khalilabad District Basti allowed the appeal in favour of respondent no.2, Smt Murta, through order dated 29.10.1988 hence this writ petition.

Smt. Murta had also filed a Civil Suit in the form of O.S. no.412 of 1986 before Munsif Khalilabad, district Basti. Learned counsel for both the parties state that said suit is still pending. The relief claimed in the said suit was for a declaration that Ramanand petitioner of this petition who was defendant no.1 in the suit was son of Jogeshwari defendant no.2 in the said suit and he had got no concern with Smt. Murta the plaintiff or her husband late Ramanand.

Copy of the plaint is Annexure R.A.II to the rejoinder affidavit filed in substitution application. Original rejoinder affidavit is not on record hence learned counsel for the petitioner has supplied duplicate copy of the same.

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Question of parentage can finally be decided by Civil Court.

I have discussed this aspect in detail in Smt. Fulmatia Vs S.D.O. Banda and Ors.2007(103) RD 712

Accordingly, writ petition is disposed of with the direction that in the Civil Suit (O.S. no.412 of 1986) question of parentage of petitioner Ram Pal shall independently be decided on the basis of evidence brought on record therein without taking into consideration either the order of A.D.O. or of S.D.O.

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