

(2024) 07 JH CK 0007
In the Jharkhand High Court
Case No : Writ Petition (C) No.1870 Of 2015

Renu Soren

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 04-07-2024

Acts Referred:

Citation : (2024) 07 JH CK 0007

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Rajshree Singh, Ganga Kumari Kachhap, Sachin Kumar, Manoj Kr. Choubey

Final Decision : Dismissed

Judgement

Anil Kumar Choudhary, J

I.A. No.10700 of 2018

Heard the parties.

Learned counsel for the respondents submits that this interlocutory application has been filed with a prayer to direct an inquiry to be conducted as the petitioner has given false affidavit to the effect that the petitioner is the daughter of Imliana Kullu who was the writ petitioner and by way of substitution the present petitioner has been incorporated as petitioner in this writ petition. It is next submitted that the original petitioner- Imliana Kullu married Kamil Soreng. The husband of Imliana Kullu namely Kamil Soreng died in the year 2012 leaving behind Imliana Kullu as his only heir and successor. It is further submitted that the original petitioner is the daughter of Patras Kullu and Josphine Kullu and the present petitioner is the daughter of elder sister of Imliana Kullu namely Victoria through her husband Paulush Soreng. It is also submitted that the marriage certificate of the present petitioner issued by the Head Priest of St. Ignatius Church, Keondtanr, Gumla has been described as daughter of Paulush Soreng and Victoria. It is further submitted that though the marriage certificate of the

petitioner has been issued by a church but she is not a Christian by faith rather she is a Hindu, by faith. Hence, it is submitted that the prayer as made in this interlocutory application be allowed.

Learned counsel for the petitioner vehemently opposes the prayer made by the respondents in this interlocutory application and submits that Imliana Kullu adopted the petitioner as her daughter as she was issueless and in support of her contention, learned counsel for the petitioner draws attention of this court to Annexure IA/2 of I.A. No.5730 of 2018, which I.A. has been allowed vide order dated 22.10.2018 and consequently the present petitioner has been substituted, and submits that the same is the family member certificate issued by the Circle Officer, Kamdar (Gumla) wherein, it has been categorically stated that the present petitioner is the adopted (bal pos) daughter of Imliana Kullu wife of late Patras Kullu of village-Sushang. Hence, it is submitted that the allegation levelled against the petitioner is out and out false hence; no inquiry is required to be conducted. It is lastly submitted that this interlocutory application being without any merit be dismissed

Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that it is the admitted case of the petitioner that the petitioner is not the biological daughter of Imliana Kullu but she has been adopted by Imliana Kullu and in support of that certain document has been filed. The fact that she has been looked after by Imliana Kullu since her childhood and that she is the daughter of the elder sister of Imliana Kullu is not disputed by the respondents; rather the same is corroborated by the certificate issued by the Circle Officer, Kamdar (Gumla) which has been kept at Annexure- IA/2 of the I.A. No. 5730 of 2018.

Under such circumstances, this Court is of the considered view that there is no justifiable reason to conduct an inquiry regarding the veracity of the claim of the petitioner to be the adopted daughter of Imliana Kullu; at this stage.

Accordingly, this interlocutory application being without any merit is dismissed.

I.A. No.13 of 2019

No one turns up on behalf of the petitioner in-spite of repeated calls.

Accordingly, this interlocutory application is rejected as not pressed.

W.P. (C) No. 1870 of 2015

Heard the parties.

Notice issued to the respondent no.5 has returned with the report that the respondent no.5 has died.

Learned counsel for the petitioner prays for time.

Prayer for time is allowed as the last chance.

List this case after two weeks.