

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

WPA 11008 of 2024

Narayan Chandra Maiti
Versus
Union of India and Others

For the Petitioner	:	Mr. Ramdulal Manna, Adv. Mrs. Manju Manna (Dey), Adv. Mr. Sanyasachi Mondal, Adv. Mr. Sayan Mukherjee, Adv. Ms. Payel Khanra, Adv.
For the UOI	:	Mr. Sukumar Bhattacharyya, Adv. Mr. Pradyut Saha, Adv.
For the State	:	Mr. Biswabrata Basu Mallick, Adv. Ms. Amrita Panja Moulick, Adv.
Heard on	:	06.08.2025
Judgment on	:	27.08.2025

Ajay Kumar Gupta, J:

1. The writ petitioner has challenged the order dated 20th March, 2024 passed by the O.S.D. and Ex-Officio Joint Secretary to the Government of West Bengal in pursuant to Co-ordinate Bench's Order dated 08.03.2024 in WPCRC 24 of 2024 in WPA No. 15216 of 2023. By the said impugned order, Government of West Bengal rejected the eligibility of the petitioner in Swatantrata Sainik Samma Pension as the original records are not available with the State Government and there is no scope to rescind the earlier decision of the Government of West Bengal.

2. The operative portion of the said impugned order is set out herein below in verbatim: -

“No material fact has changed since the State Advisory Committee's decision on the instant matter which reads “Rejected in the 88th SACM on 26.12.85” and which was duly communicated to the applicant of SSSY Pension namely Sri Narayan Chandra Maiti s/o Late Parameshwar Maiti of village Chakdurgadas(Pur) P.O. Mahadole P.S. Tamluk Dist. Midnapur by the Assistant Secretary of the Government of West Bengal vide memo no. 1943 H.P.S /HIP-4(32908)/81 dated 14/25.04.1986 stating “The case was therefore examined again on the basis of the certificate from Sri Dhara and the State Advisory Committee was consulted. The certificate of Sri

Dhara could not be accepted as Sri Dhara, having once certified absconding on one ground subsequently changed it showing that he had no exact knowledge about the reasons that led to your going underground.”

3. At the very outset, it is made clear that this is third round of litigation. Earlier, the writ petitioner had filed a writ petition being WPA 6286 of 2016 (Narayan Chandra Maiti Vs. Union of India & Ors.) and after hearing the parties, the Co-ordinate Bench of this Court vide Judgment dated 17.05.2022 allowed the writ petition on contest by passing order inter alia as follows: -

“This Court is satisfied that the certificate issued by Shri Sushil Kumar Dhara would make the petitioner eligible for being granted pension under the said scheme. None has disputed the authenticity of the certificate issued by Shri Sushil Kumar Dhara in favour of the petitioner. This is one of the modes of approving the claim of being a freedom fighter envisaged by the said scheme.

Accordingly, the respondent authorities i.e. the Union Government is directed to pay the petitioners, Freedom Fighter’s Pension under the liberalized “Swatantrata Sainik Samman Pension Scheme” with effect from the date when the petitioner made an application for grant of pension within 3 (three) months from the date of communication of the copy of this order.

WPA No. 6286 of 2016 is thus *allowed*.”

4. Feeling aggrieved by and dissatisfied with the said impugned judgment and order dated 17.05.2022, the Union of India & Ors. Preferred an appeal before the Division Bench being MAT 1901 of 2022. The said appeal was finally decided by the Division Bench and pronounced the judgment on 23.03.2023. The operative part of the said judgment, inter alia, as follows: -

“13. Having heard the learned counsel for the parties and perusal of the records, it is observed that in Gurdial Singh v. Union of India & Ors reported in 2001(7) SCC 216, the Supreme Court held that the claimants of the pension scheme of freedom fighters are supposed to be persons who had given the best part of their life for the country therefore the standard of proof of eligibility of such persons required is not of such standard which is required in a criminal case or in a case adjudicated upon rival contentions or evidence of parties. A rationale and not a technical approach is required to be adopted while determining the merits of the case of a person seeking pension under the scheme. A hyper- technical approach cannot be adopted while dealing with the case of a freedom fighter thereby depriving the sufferer in the freedom movement of his right to get pension.

14. It is categorically stated in the scheme that if official records are not forthcoming due to their non-availability,

certificate from veteran freedom fighters who had themselves undergone imprisonment is adequate to claim for pension. The Non-Availability of Record Certificate issued by respondent No.4, subsequent report of the Superintendent, Tamluk Subsidiary Correctional Home and report of Superintendent of Police, DIB, Purba Medinipur elucidates the lack of primary evidence of record of jail sufferings. Hence, the Personal Knowledge Certificate may be accepted as secondary evidence in absence of official records as primary evidence. Further, as per the report of the Superintendent, Tamluk Subsidiary Correctional Home and the Officer-in-Charge, D.I.B, Purba Medinipur, it is learnt that the respondent No.1 is a bonafide freedom fighter, however no exact date or year of detention is available. It is not possible for this Court to scrutinize or verify the documents produced by respondent No.1 in support of claim and pronouncement of genuineness of such certificates. Thus, the Deputy/Assistant Secretary, Home Poll (P.S.P) Department, State of West Bengal being the respondent No.2 is requested to consider the application and all the certificates of the respondent No.1, afresh, regarding his eligibility in Swatantra Sainik Samman Pension Scheme. If the State Government is satisfied, recommendation shall be made by the State Government to the Competent Authority i.e. the appellant No.2 who will consider the recommendation of the State Government and all

necessary certificates and pass a reasoned order within three (03) months from the date of recommendation by the State Government, regarding the eligibility of the respondent No.1 /writ petitioner to receive pension under the scheme.

15. For the above-mentioned reasons, the order passed and therefore, the appeal is disposed of with the above modification. All pending applications are also accordingly disposed of.”

5. The writ petitioner had filed another Writ Petition being No. 15216 of 2023 contending therein that the State authorities failed to arrive at any decision for the purpose of recommending the name of the petitioner for being entitled to receive the Swatantrata Sainik Samma Pension Scheme, 1980 (hereinafter referred to as ‘the said SSS Pension Scheme’) and finally disposed of the writ petition on 05.07.2023 after hearing the parties, *inter alia*, as follows:

“Accordingly, WPA No. 15216 of 2023 is disposed of by setting aside the decision taken by the State Government dated May 24, 2023 (Annexure P-25 at page-147 of the writ petition) and the consequential decision arrived at by the Union of India, as annexed at page-152 of the writ petition.

The respondent no. 4, the Joint Secretary to the Government of West Bengal, Home & Hill Affair Department, General Establishment Branch, Freedom

Fighters' Pension Cell, shall re-adjudicate the issue as to whether the petitioner's name should be recommended for the purpose of getting the benefits of the aforementioned pension scheme, upon considering the question of eligibility of the petitioner, in the light of the observations made by the Division Bench of this court vide order dated March 23, 2023 passed in MAT 1901 of 2022, including the observations made by the said Division Bench in paragraph no. 14 of the said judgment, a copy of which is also annexed to the present writ petition.

Such exercise shall be concluded as expeditiously as possible, positively within six weeks from date, upon giving an opportunity to the petitioner to furnish all necessary documents.

Upon such decision being taken, the respondent no.4 shall immediately communicate the same to the petitioner and, in the event the petitioner is found eligible in the light of the observations made above, the name of the petitioner shall be recommended expeditiously to the respondent nos. 2 and 3, that is, the Deputy Secretary to the Government of India, Ministry of Home Affairs and the Under Secretary, Government of India, Ministry of Home Affairs respectively, for the purpose of considering the grant of the scheme to the petitioner.

There will be no order as to costs."

6. In spite of communication of the said order dated 05.07.2023 as passed in WPA 15216 of 2023, the Joint Secretary to the Government of West Bengal, Home & Hill Affairs Department did not comply with the order within the stipulated time. Consequently, the Petitioner filed a contempt application being CPAN 1279 of 2023, subsequently, it gives rise to WPCRC 24 of 2024. Ultimately, it was informed that parent order has been complied with in the meantime, therefore, matter was disposed by order dated 05.04.2024.

7. Pursuant to the said order passed by the Division Bench of this Court and subsequently order passed by the Single Bench, the O.S.D. and Ex-Officio Joint Secretary to the Government of West Bengal considered and rejected the prayer of the writ petitioner, as there was no scope to rescind the earlier decision of the Government of West Bengal. The Union of India also rejected as the claim of the petitioner was not recommended by the Government of West Bengal, hence, this writ petition.

8. The background facts of the case are relevant for the purpose of effective disposal of this case as under: -

8a. On the occasion of the 25th Anniversary of Independence, the Central Government introduced the Freedom Fighters' Pension Scheme, 1972 for granting pension to living freedom fighters and

their dependants. Initially, pension was Rs. 200/- per month for freedom fighters and between Rs. 100/- to Rs. 200/- for family members, subject to an annual income ceiling of Rs. 5,000/-.

8b. Thereafter, the Swatantrata Sainik Samman Pension Scheme, 1980 was introduced w.e.f. 01.08.1980 in place of the 1972 Scheme, extending the benefit to freedom fighter as a token of national recognition.

8c. Vide letter dated 12.04.1983, the Deputy Secretary, Government of India, consolidated guidelines for grant of pension. It was provided that in absence of official records, a Personal Knowledge Certificate (PKC) from a freedom fighter who had suffered imprisonment of not less than 5 years could be relied upon, subject to verification of the certifier's credentials. Cases of underground sufferings unsupported by records were to be placed before the State Advisory Committee for recommendation.

8d. Subsequently, by letter dated 21.08.1984, the Deputy Secretary to the Government of India the eligibility criterion of the certifier's jail sufferings was relaxed from 5 years to 2 years as there was no freedom fighters available in some districts, who had suffered 5 years.

8e. The petitioner applied on 14.07.1981 for grant of pension under the Scheme, enclosing a general NARC issued by the District Magistrate, Midnapore, and a PKC issued by Shri Sushil Kumar Dhara, an eminent freedom fighter of Midnapore District.

8f. The Assistant Secretary to the Government of West Bengal, vide letter dated 05/14.04.1983, sought confirmation of the genuineness of the PKC from Shri Dhara, while informing the petitioner that his application was under consideration.

8g. The petitioner, by letter dated 24.08.1983, sought correction of certain bona fide mistakes in the original application. Shri Dhara also confirmed the genuineness of the PKC vide letter dated 22.08.1983.

8h. Despite such confirmation, the State Government declined to recommend the petitioner's case by letter dated 15/18.06.1984 on the ground that Shri Dhara had suffered imprisonment of less than 5 years.

8i. The petitioner, however, pointed out vide letter dated 10.12.1984 that the required jail suffering of the certifier had been reduced to 2 years by notification dated 21.08.1984. He also

approached the Government of India on 05.09.1986 for consideration of his claim.

8j. Subsequently, pursuant to enquiries ordered by the State Government in 2015, it was reported that no jail records of the petitioner were available. However, the Officer-in-Charge DIB, Purba Medinipore had informed the Superintendent of Police that he had made local enquiry and it revealed that the petitioner was a bona fide freedom fighter who had remained underground between August 1942 and September 1944 to evade arrest, acting under the guidance of leaders Shri Sushil Kumar Dhara, Shri Satish Chandra Samanta and Shri Rabindra Nath Giri.

8k. The respondents' objection that secondary evidence requires NARC in the prescribed format stands negated by judicial pronouncements, including ***Lichu Bala Ghara vs. Union of India***¹ holding that in absence of official records, reliance must be placed on PKC issued by eligible certifiers. Shri Dhara, who had himself suffered imprisonment for over 5 years 7 months, issued such a certificate in favour of the petitioner certifying his underground participation in the Quit India Movement. The authenticity of this certificate has not been disputed.

¹ **[2017 (5) CHN (Cal) 464]**

81. Accordingly, the petitioner, having actively participated in the Quit India Movement and remained underground between August 1942 and September 1944 pursuant to a detention order, is entitled to pension under the Scheme on the basis of the PKC issued by Shri Dhara and the NARC issued by the District Magistrate, Midnapore.

9. Learned counsel appearing on behalf of the petitioner submitted that the petitioner herein is now more than 100 years of age and has a legitimate expectation that he would receive the benefit of scheme during his life time. However, the Government is adamant for not allowing his prayer despite the fact that a certificate was issued by Mr. Sushil Dhara, a duly approved certifier under the scheme which clearly indicates the position of the present petitioner as a bona fide freedom fighter, who remained under ground between August, 1942 to September, 1944.

10. There is no dispute with regard to the issue of certificate by the Government approved certifier. The respondents without any sufficient reason or evidence, have sought to cast doubt on its genuineness. Such a stand is arbitrary and unsustainable, particularly in the absence of any contra evidence produced either by the Government of West Bengal or Union of India. They ought to rely upon the certificate issued by Sushil Dhara, the approved certifier of

the Government as secondary evidence when primary evidence is not available with the Government offices.

11. The earlier certificate issued by Sushil Dhara was inadvertently issued but, subsequently, it was realised that the said certificate was issued inadvertently, the said mistake was corrected and also issued fresh certificate by Sushil Dhara in favour of the petitioner. Furthermore, Mr. Sushil Dhara, the certifier also clarified or replied to the query made by the Union of India. It was further submitted that the Division Bench of this Court was very clear and afford an opportunity to the Government of West Bengal to consider his case when the Division Bench does not find any reason to disbelieve the certificate issued by the certifier. Even on such direction, the respondent no. 4 - the O.S.D. and Ex-Officio Joint Secretary to the Government of West Bengal flatly rejected the prayer of the petitioner arbitrary, illegally and without based on other reliable evidence. Therefore, impugned order of rejection should be liable to be set aside and his prayer for pension may be allowed under the Swatantrata Sainik Samma Pension Scheme, so that the petitioner may get pension at least during his life time.

12. Per contra, the learned counsel appearing on behalf of the State argued that the writ petitioner had altered his view from time to

time and tried to get pension according to the relaxation given by the Government. No supporting evidence was placed before the authority to consider his case afresh. The two certificates indicate itself contradictory as the petitioner does not come with a clean hand before the authority and/or before this court. if such attitude or suppression of fact comes from the writ petitioner, the State Government is not bound to accept his claim. Accordingly, his prayer was rejected as earlier. His prayer was also rejected by the Government of West Bengal since petitioner failed to satisfy with valid reasons or valid document, it is not possible for the State Government to consider his prayer without supporting reliable evidence. There is no case made out by the petitioner in the instant writ petition. Therefore, the same is liable to be dismissed.

13. The learned counsel appearing on behalf of the Union of India also supported the contention made by the State. Learned counsel further raised about the issue of maintainability of the writ petition because the disputed question of facts cannot be looked into when the petitioner is not sure whether he suffered under trial prison or he was a proclaimed offender and/or he was suffered underground.

14. Firstly, the petitioner was indicated as a proclaimed offender from August, 1942 to September, 1944 and, subsequently, another certificate was issued indicating the writ petitioner suffered a underground freedom fighter. This stand was changed after the liberalisation introduced by the Government. Both the petitioner and the certifier changed their versions, which ought not to be the same and it creates doubt. One may make a mistake but it is improbable that two persons would make or commit mistake on the same vital issue. Therefore, their evidence cannot be relied upon as genuine. Under such circumstances, this writ petitioner is not at all maintainable and not sustainable even on merits. Therefore, the same is required to be dismissed.

15. Considering the arguments and submissions advanced by the rival parties and upon meticulously perusal of the records, this court finds that it is admitted facts that there is no official record available with regard to claim of the petitioner. It has also come on record that the Petitioner was a bonafide freedom fighter but he was never confined in the jail. The said facts confirmed by the Superintendent, Tamluk, Subsidiary Correctional Home, who informed the Additional District Magistrate, Purba Medinipur that no exact date or year of detention of the petitioner could be traced.

16. The Personal Knowledge Certificate (PKC) issued by the approved Certifier; Sushil Kumar Dhara is admissible as secondary evidence in the absence of primary evidence. The said certificate could have been considered by the authority particularly when there is no primary or contrary evidence produced from the side of Respondents. Sushil Kumar Dhara was also a freedom fighter and had suffered actual imprisonment for more than 5 years during the freedom struggle. Certificate issued by him has been considered by the Respondents in many other cases without raising any objection and even the Hon'ble Supreme Court has not interfered with the observation made by the Division Bench of this Court in the case of ***Union of India & Ors. Vs. Smt Debala Rani Bera (Dead) Represented through legal heirs Kali Krishna Bera & Ors. in MAT No. 694 of 2022 With MAT No. 1904 of 2022***. The Division Bench of this Court held Particularly in Paragraph 9 thereof as under:

“9. The second aspect of the fact is PKC. The learned senior standing counsel appearing for the appellant/Union of India would contend that the Government has directed the enquiry to be conducted as regards the veracity and correctness of various PKC issues by the so-called freedom fighters. However, the veracity of the certificate issued by Shri Sushil Kumar

Dhara has not been doubted or established to be a false certificate or the contents of the said certificate are factually incorrect. In such circumstances, in terms of the scheme, namely Clause 9(b)(ii) the certificate issued by the veteran freedom fighters is deemed to be a valid document which needs to be considered by the appellant/Union of India for grant of pension to the original applicant. Therefore, we find that the learned writ Court has rightly allowed the writ petition.”

17. The Division Bench of this Hon’ble Court held in the case of **Gajendranath Manna vs State of West Bengal**² that if any Secondary evidence i.e. Personal Knowledge certificate is provided by a certifier is admissible in evidence in case of non-availability of original records.

18. In so far as the PKC issued by Sushil Kumar Dhara in favour of Petitioner is concerned, the Government of West Bengal rejected the PKC observing therein that *“the Case was therefore examined again on the basis of the certificate from Sri Dhara and the State Advisory Committee was consulted. The Certificate of Sri Dhara could not be accepted as Sri Dhara, having once certified absconsion on one ground and subsequently changed it showing he was going underground”*.

² **2010 (4) CHN (CAL) 4**

19. First question arises before this Court who is eligible for the Samman Pension under the scheme, a freedom fighter. As per scheme, following person is eligible for pension:-

“(a) A person who had suffered a minimum imprisonment of six months in the mainland jails before Independence. However, ex-INA personnel will be eligible for pension if the imprisonment/detention suffered by them was outside India.

The minimum period of actual imprisonment for eligibility of pension has been reduced to three months, in case of women and SC/ST freedom fighters from 01.08.1980.

EXPLANATION

1. Detention under the orders of the competent authority will be considered as imprisonment.

2. Period of normal remission upto one month will be treated as part of actual imprisonment.

3. In the case of a trial ending in conviction, under trial period will be counted towards actual imprisonment suffered.

4. Broken period of imprisonment will be totalled up for computing the qualifying period.

(b) A person who remained underground for more than six months provided he was:

1. a proclaimed offender; or

2. one on whom an award for arrest/head was announced; or

3. one for whose detention order was issued but not served.

(c) A person interned in his home or externed from his district provided the period of internment/externment was six months or more.

(d) A person whose property was confiscated or attached and sold due to participation in the freedom struggle.

(e) A person who became permanently incapacitated during firing or lathi charge.

(f) A person who lost his job (Central or State Government) and thus means of livelihood for participation in national movement.

A MARTYR is a person who died or who was killed in action or in detention or was awarded capital punishment while participation in a National Movement for emancipation of India. It will include an ex-INA or ex-Military person who died fighting the British.”

20. Petitioner herein comes under 4 (b) (3) of the ANNEXURE-I DATED 15TH August, 1981 as per the PKC issued by the certifier. As per the letter dated 21st August, 1984, it is clearly provided that in Paragraph No. 2 that the following guideline may kindly be kept in view which verifying the claims of freedom fighters for this purpose: -

i) *The claim of a person that he had undergone imprisonment for 2 years or more in connection with the National Freedom Struggle may be examined with reference to the claim made by him in his application for Samman Pension and the documents furnished by him in proof thereof. In case he had not submitted but now submits any documentary evidence which clearly proves his claims of jail suffering for 2 years acceptable within the provisions of the scheme, his competence to issue certificates for underground internment/externment sufferings may be accepted.*

ii) *The exposition that the applicant and certifier should 'belong' to the some district would mean that they were resident of the same district at the time of freedom struggle 'district' being the district as at that time and not the district being the district as at that time and not the district where they may be presently residing. In case a certifier had staged Satyagraha and courted arrest or was arrested in different districts in connection with the national freedom movement, the certificate of abscondence issued by him in favour of the claimants residing in those districts as they existed at that time may be accepted for Samman Pension. It may be noted that there is no change in the basis requirement that such certificates are required to be issued on the basis of the personal knowledge of the certifying freedom fighters and will be accepted as valid collateral evidence*

of suffering only if the official records pertaining to that period are not available.

iii) *The above relaxation i.e. reduction of certifiers' jail sufferings from 5 years to 2 years will be applicable to claims already received before 31.3.1982. No fresh applications will be entertained. The cases which have been rejected on the ground of failure of the applicants to produce certificates from a prominent freedom fighter with 5 years jail sufferings may be re-considered on production of fresh acceptable evidence from a freedom fighter with actual jail sufferings of two years or more and revised verification report with remarks of the State Govt. may be sent to the Ministry of Home Affairs."*

Therefore, relaxation i.e. reduction of certifiers' jail suffering from 5 years to 2 years will be applicable to the claims already received before 31.3.1982. No fresh application will be entertained. In the present case, the petitioner's case is pending prior to 31.3.1982. Petitioner applied for pension under the scheme on 14.07.1981 along with general Non-Availability of Record Certificate (NARC) issued by the District Magistrate of Midnapore and Personal Knowledge Certificate (PKC) issued by Shri Sushil Kumar Dhara, an eminent freedom fighter and eligible certifier of District - Midnapore for grant of Swatantrata Sainik Samman Pension. It is not disputed by the respondent that Sushil Kumar Dhara, who is not an eminent freedom

fighter and eligible approved certifier of District - Midnapore for grant of Swatantrata Sainik Samman Pension.

21. It is true that earlier aforesaid certifier issued certificate in favour of the Petitioner as a proclaimed offender on 08.07.1981. Subsequently, the Assistant Secretary to the Government of West Bengal vide letter dated 5/14.04.1983 sought clarification from the certifier about the genuineness of the certificate produced by the Petitioner and some clarification about the mistake occurred in earlier certificate particularly the Petitioner, *“one for whose detention orders were issued, but he evaded arrest.”* Both the Certifier as well as Petitioner duly intimated the corrections to the Assistant Secretary to the Govt. of West Bengal.

22. The respondents rejected the said certificate without any cogent justification. The respondents did not declare the certificate as not genuine because the certifier himself clarified that he had issued the certificate. It was genuine but some mistake was occurred due to inadvertence, same was corrected subsequently. There is no contra evidence transpired from the record to discard the certificate issued by the Certifier in favour the Petitioner. Earlier certificate issued was as proclaimed offender. However, it was changed to one for whose detention orders were issued but he had evaded arrest.

23. This Court finds even in both cases i) A proclaimed offender or iii) as one against whom detention orders were issued but who evaded arrest, the petitioner is entitled to get pension under the said Pension Scheme then why Sushil Kumar Dhara would change the ground. There is no serious doubt about the certificate issued by the certifier. The veracity of the certificate issued by Sushil Kumar Dhara cannot be doubted or established to be a false certificate or the contents of the said certificate are factually incorrect. In such circumstances, in terms of the scheme, namely clause 9 of the SSS Pension Scheme, 1980, the certificate issued by the veteran freedom fighters is deemed to be a secondary and valid document, which needs to be considered by the Respondents for grant of pension of the petitioner. Therefore, this court is of the considered opinion that the rejection of such prayer of the petitioner is not at all justifiable and same is liable to be set aside.

24. In the above backdrop, **WPA 11008 of 2024** stands **allowed** without order as to costs.

25. Consequently, the concerned respondents authorities shall pay to the petitioner, freedom fighter's pension under the liberalised SSS Scheme, with effect from the date of order of this Court within 4 (four) months from the date of communication of this judgment in

view of judgment passed in the case of ***Union of India & Anr. Vs. Kaushalaya Devi***³ where the Hon'ble Supreme Court held as under:-

“In the present case, we have perused the record and found that it is stated therein that the claim was allowed on the basis of secondary nature of evidence. In other words, the claim was not allowed on the basis of jail certificate produced by the claimant but on the basis of oral statement of some other detenue. Hence, we are of the opinion that the pension should be granted from the date of the order and not from the date of the application.”

- 26.** Connected applications, if any, are also, thus, disposed of.
- 27.** Interim order, if any, stands vacated.
- 28.** Parties shall act on the server copies of this Judgment downloaded from server of the High Court at Calcutta.
- 29.** Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all the necessary formalities.

(Ajay Kumar Gupta, J)

P.A.

³ Appeal (Civil) 783 of 2007.