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BEFORE THE COURT OF FINANCIAL SIONER KASHMIR
SRINAGAR

In the case of :- Farooq Ahmad naikoo & anr
Petitioners.....

V/s

Additional commissioner kashmir Srinagar & Ors
Respondents.....

In the matter of :-Written Arguments/objections on behalf of the respondent no.3 namely Mst Naseema to the above titled revision Petition.

May it please Your Honour:-

The written arguments/objections on behalf of respondent no.3 are submitted as under

PRELIMINARY OBJECTIONS/ARGUMENTS

1. That the petition is not maintainable in the present form as such the petition deserves dismissal in limiini.

2. That the petitioners have filled false, frivolous, vexatious petition by suppression of Material Facts and material facts are catalogued in a cleverly drafting claim and illusionary cause of action is set out and besides the petitioners have approached the court with unclean hands by having concealed material facts as such is not entitled to any relief claimed by them

3. That the revision petition is not maintainable in the eyes of law as the petitioners have pleaded facts only and have not based their case on any question of law and that the universal law is that the revisional jurisdiction can be invoked only in the question of law and in the present petition only questions of fact are involved as has been observed by the Hon'ble High court of j&k in the writ petition that had been filed by the petitioners as such the present petition merits outright dismissal. It is further submitted that the

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respondent no.1 has only implemented the order of the revenue minister dated 25-11-1983 in letter and spirit and the respondent no.1 is well within its powers to do so furthermore the respondent no.1 has passed the order after hearing all the parties at length and giving sufficient time to the parties to put forth their case as such the order is legally correct,valid and as per law as such the present petition deserves dismissal.It is apt to mention here that the order passed by the revenue minister in the year 1983 has never been challenged by any of the parties till date and the same has attained finallity and the respondent no.1 has only implemented that order in letter and spirit having full competence, jurisdiction for the same and as per powers vested to him under law and procedure laid down.

4. That the Petitioners have raised quite conflicting and contradictory facts in the petition thereby concealing the real facts in order to justify the cause which never exists to the petitioners as such petition deserve to be dismissed in limiini

5. That the petitioner has no legal or equitable right to file the petition none of their legal rights have been infringed by the answering respondent

6. That the petition is not maintainable it is hit by the limitation Act as there is delay in filing the present revision petition.

PARAWISE REPLY:

1. In reply to para 1 it is submitted that none of the legal rights have been infringed besides the present revision petition is not maintainable as only facts have been pleaded by the petitioners in it.

2 Para 2 needs no reply being matter of record.

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3 In reply to para 3 it is submitted that as per the order passed by the Hon'ble revenue minister the answering respondent is entitled to 7 shares from the property of her father which comes around 20 kanals approx. but she had been only given 4 kanals by the petitioners and their father out of those 20 kanals to which she was entitled and being aggrieved by the conduct of the petitioners and their father the answering respondent approached the respondent no.1 for the redressal of her grievance and for implementation of order passed by the Hon'ble revenue minister in the year 1983 by filing appropriate motion and the respondent no.1 giving notice and after hearing all the parties at length and giving sufficient time to the parties to put forth their case but the petitioners failed to convince/establish their case before the respondent no.1 and the respondent no. 1 having full jurisdiction, competence passed the order dated 17-03-2016 and ordered implementation of the order passed by the Hon'ble revenue minister in letter and spirit and the order passed by respondent no.1 is legally correct,valid and as per law as such the present petition deserves dismissal.It is apt to mention here that the order passed by the revenue minister in the year 1983 has never been challenged by any of the parties till date and the same has attained finallity and the respondent no.1 has only implemented that order in letter and spirit having full competence, jurisdiction for the same and as per powers vested to him under law and procedure laid down and further it is submitted that the answering respondent has only sold 4 kanals of land and has still around 16 kanals approx. Of land that had vested upon her by virtue of the order passed by the Hon'ble revenue minister in the year 1983 and the petitioners want to grab the same from the answering respondent by doing

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fraudulent mutations without the consent and permission of answering respondent.

It is vehemently denied that the answering respondent has gifted away her remaining property to the petitioners as has been claimed by them in this para. This claim of the petitioners is absolutely baseless, concocted and fraudulent. The answering respondent has never ever gifted away her property to the petitioners. She has never executed a gift deed in favour of the petitioners nor has she ever orally gifted her property to the petitioners. This claim of the petitioners that the answering respondent has gifted away her property to them exposes the sinister designs of the petitioners.

4 Para 4-9 need no reply being matter of record and strict proof.

5 In reply to the grounds mentioned in para 10:

In reply to Grounds (A,B,C&D) it is submitted that the respondent no.1 below has passed the order after following the due process of law,having jurisdiction , competence and the allegations levelled in Ground (a,b,c&d) are baseless and concocted full of malafides further the answering respondent has only sold 4 kanals of land and has still around 16 kanals approx.of land as such has interest in the property.It is further submitted that the order has been passed after applying the judicial mind and after taking proper considerations and hearing the parties at length and giving sufficient time to parties to put forth their case by the Hon'ble court/respondent no.1 below as such the order is legal,valid and as per law Hence order needs to be upheld.

Prayer clause is denied being wrong and incorrect. It is denied that the petitioner is entitled to any relief as claimed in the prayer clause. The claims of the petitioners are based on falsehood, forged, fabricated

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averments and documents. The petition is devoid of true and correct facts. The revision petition is liable to be dismissed summarily as same being based only upon on facts and not based upon question of law.

It is, therefore, humbly prayed that keeping in view the submissions made in this objections/written arguments, the revision petition of the petitioner may kindly be dismissed with exemplary costs in the interest of justice.

Any other relief which this Hon'ble Court deems just and proper in the circumstances of the case may also be granted to answering defendants.

Dated 26.12.23

Answering Respondent 3
Through Counsel

Verification:

Verified today on 26.12.2023 the Objections/written arguments are drafted at our instance and the contents thereof are true and correct to the best of our understanding and belief and nothing has been concealed therein.

Answering Respondent no.3

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BEFORE THE COURT OF FINANCIAL COMMISSIONER KASHMIR SRINAGAR.

In the case of :- Farooq Ahmad naikoo & anr

Petitioners.....

V/s

Additional divisional commissioner kashmir & ors

Respondents.....

In the matter of :

Affidavit in support of objections /written arguments

I, Mst Naseema D/O Late Ghulam Nabi Naik R/O Khanyar Srinagar do hereby declare on solemn affirmation as follows:

That the averments/contents of the objections/written arguments titled above to which this affidavit is attached in support are true and correct to the best of my knowledge and belief. And nothing has been concealed there in.

Deponent

Verification:

Verified at Srinagar on 26/12/2023 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing therein is suppressed or concealed.

Deponent

HAMID SHAFI HAKEEM Notary Public

Certified that the statement declared on oath before me at Srinagar on this day of 26 Dec 2023 by Naseema who is identified by

Hamid Shafi Hakeem
Notary Public

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Description of Document	:	Article 4 Affidavit
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First Party	:	MST NASEEMA
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Stamp Duty Amount(Rs.)	:	10 (Ten only)

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DISTRICT COURT SRINAGAR
LICNO. DCS/LRA/170/2023
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