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IN THE COURT OF SENIOR CIVIL JUDGE  
KOLASIB : AIZAWL JUDICIAL DISTRICT

DECLARATORY DECREE

Declaratory Suit No. 7 of 2016

Sapkhuma Hmar

.....Plaintiff

Vrs

Smt. S. Imatombi

..... Defendant

This suit coming on this 18<sup>th</sup> August, 2016 for final disposal before Smt. Sylvie Z. Ralte, Senior Civil Judge in the presence of Mr. David V.L. Malsawma, Advocate for plaintiff, it is ordered and decreed that Shri K. Hrangzuala S/o Shri Lalbanga (L) and his wife Smt. Nuzingi R/o Diakkawn, Kolasib, Kolasib District are the legal and natural parents of Shri Sapkhuma Hmar-Shri Sapkhuma Hmar shall hold and have all the rights of a natural son. Given under my hand and seal the Court, this 3rd day of September, 2016.

## COSTS OF SUIT

Plaintiff		Defendant					
		Rs.	P.			Rs.	P.
1.	Stamp for plaint	30		1.	Stamp for plaint		
2.	Stamp of Power			2.	Stamp for petitions and affidavits		
3.	Stamp for petitions and affidavits			3.	Cost of exhibits including copies made under the Banker's Books' Evidence Act, 1891		
4.	Cost of exhibits including copies made under the Banker's Books' Evidence Act, 1891			4.	Pleader's fee on rupees		
5.	Pleader's fee on rupees	25000		5.	Subsistence and travelling allowances of witnesses (including those of a party, if allowed by a judge)		

6.	Subsistence and travelling allowances of witnesses (including those of a party, if allowed by judge)		6.	Process Fee	
7.	Process Fee		7.	Commissioner's Fee	
8.	Commissioner's Fee		8.	Demi Paper	
9.	Demi Paper		9.	Cost of transmission of records	
10.	Cost of transmission of records		10.	Other costs allowed under the Code and Civil Rules and Orders	
11.	Other costs allowed under the Code and Civil Rules and Orders		11.	Adjournment costs not paid in cash (to be deducted or added as the case may be)	
12.	Adjournment costs not paid in cash (to be deducted or added as the case may be)		12.		
13.	<b>Total</b>	<b>25030</b>	13.	<b>Total</b>	

Sd/-  
Judge

Senior Civil Judge  
Kolasib : Mizoram

### DECLARATORY SUIT NO. 7/16

Sh. Sapkhuma Hmar H/o J.C Parmawii  
R/o Hmar Veng, Kolasib, Kolasib District

..... Plaintiff

Versus

Smt. S.Imatombi W/o K.C Singh (L)  
R/o Hmar Veng, Kolasib, Kolasib District

..... Defendant

For the Plaintiff: Mr. David VL Malsawma (Advocate)

For the Defendant:

Date of Judgment and Order: 3.10.2016

**BEFORE**  
SYLVIE ZOMJANPUII RALTE, MJS  
SENIOR CIVIL JUDGE  
KOLASIB, AIZAWL JUDICIAL DISTRICT

### JUDGMENT & ORDER

This is a suit for declaration that the Plaintiff is the son of Shri K. Hrangzuala S/o Lalbuanga (L) and his wife Nuzingi of Diakkawn, Kolasib. In the plaint the Plaintiff submitted that he was born out of the wedlock of Shri Kalachand Singh @ K. C Singh and the Defendant Smt. S.Imamoti. However, since the

said natural father passed away when the Plaintiff was of tender age, he has been brought up and looked after by the above-mentioned Shri K. Hrangzuala and his wife Smt.Nuzingi and his natural mother, the Defendant has been looked after by the Plaintiff till date. The Plaintiff further submitted that since he has been nurtured and brought up solely by the said Shri K. Hrangzuala and his wife Smt.Nuzingi, he would like to embrace them as his parents. The Plaintiff also submitted that the said Shri K.Hrangzuala and his wife are of now aged and without any issues born between them, he would also like to render help and take care of them as a duty of a son. At the same time the said Shri. K. Hrangzuala and his wife Smt.Nuzingi has also expressed their willingness to embrace the Plaintiff Shri Sapkhuma Hmar as their son, to have and hold all the rights as a natural son would have had. The prayer of the Plaintiff in the concluding submissions reads as-

- 1) To pass a decree declaring that Shri K. Hrangzuala S/o Lalbanga (L) and his wife Smt. Nuzingi Resident of Chawngbawla Section, Diakkawn, Kolasib, Mizoram are the legal and natural parents of the Plaintiff.
- 2) To pass any other decree in the interest of justice.

The Defendant filed her written statement and stated that she has no objection to the prayer of the Plaintiff and to pass an Order as prayed by him.

**Order 12 Rule 6 of the Code of Civil Procedure refers to Judgment on Admissions.** It states as follows :- (1) where admissions of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such Order or give judgment as it may think fit, having regard to such admissions.

(2) whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn up in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.

In the instant case there is a clear, unequivocal and unconditional admission of the Defendant in respect of the claim of the Plaintiff. As such the nature of admission made by the Defendant can be held to be conclusive so as to invite an Order under Rule 6 of Order 12 CPC.

Accordingly it is hereby Ordered and decreed that Shri.K.Hrangzuala S/o Lalbanga (L) R/o Diakkawn and his wife Smt Nuzingi are the natural and legal parents of Shri. Sapkhuma Hmar.

Let decree be drawn accordingly.

**Sylvie Zomuanpuii Ralte,**  
Senior Civil Judge,  
Kolasib : Aizawl Sessions Division.