

(2013) 09 P&H CK 0194
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 20626 of 2013

Rajender Singh Yadav

APPELLANT

Vs

The Permanent and Continuous Lok Adalat (Samjhota Sadan)
and Another

RESPONDENT

Date of Decision : 18-09-2013

Acts Referred:

Citation : (2014) 173 PLR 430

Hon'ble Judges : Rameshwar Singh Malik, J

Bench : Single Bench

Judgement

Rameshwar Singh Malik, J.—Feeling aggrieved against the order dated 9.6.2008 (Annexure P-2) passed by the learned Permanent Lok Adalat, Gurgaon, petitioner has approached this Court by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned order. The facts of the case, which are hardly in dispute, are that the petitioner allegedly entered into a compromise with his son qua the property in dispute. Son agreed to put his father in possession relinquishing his title and interest therein. However, later on son respondent No. 3 resiled from the alleged compromise arrived at between the parties. Petitioner moved an application before the Permanent Lok Adalat. Parties again entered into compromise which was accepted by the learned Permanent Lok Adalat. However, while passing the impugned order, it was finally directed to get the award registered, so as to ensure its validity. Petitioner is feeling aggrieved against the impugned order only to the extent that he has been directed to get the award registered.

2. Learned counsel for the petitioner submits that it was a mutual settlement between father and son. He further submits that the settlement would amount to a consent decree which does not require registration. Finally, he prays for setting aside the impugned order by allowing the present writ petition.

3. Having heard the learned counsel for the petitioner, after careful perusal of

record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that present one is not a fit case warranting exercising of writ jurisdiction. To say so, reasons are more than one, which are being recorded hereinafter.

4. It is an admitted position on record that the petitioner was having no pre-existing right in the property in question. It is not even claimed that it was an ancestral property. The compromise initially arrived at between the parties could not work, as respondent No. 3 resiled therefrom. This fact itself is sufficient to show that the initial compromise was not a true compromise between the parties. Having said that, this Court feels no hesitation to conclude that the learned Permanent Lok Adalat committed no error of law while passing the impugned order, directing the petitioner to get the award registered.

5. Further, during the course of hearing, learned counsel for the petitioner fairly concedes that compromise arrived at between the parties, under no circumstance, can be said to be a consent decree. Once the alleged compromise arrived at between the parties cannot be said to be a consent decree, it was obligatory for the parties to get the same registered. It will also be in the interest of the parties concerned to get the award registered so as, to maintain its legality.

6. Learned counsel for the petitioner could not point out any jurisdictional error or patent illegality apparent on the record in the impugned order. No prejudice has been shown to have been caused to the petitioner.

7. No other argument was raised.

8. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present writ petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out. Resultantly, the instant petition is ordered to be dismissed, however, with not order at to costs.