

(2013) 07 PAT CK 0017
In the Patna High Court
Case No : CWJC No. 5151 of 2008

Ramdeo Bhagat and Another	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 16-07-2013

Acts Referred:

Citation : (2013) 4 PLJR 379

Hon'ble Judges : Ajay Kumar Tripathi, J

Bench : Single Bench

Advocate : Ratan Kumar Sinha, for the Appellant; Rajesh Kumar Verma for the State, Bipin Bihari Singh and Pancham Lal Jaiswal for the Respondent Nos. 3 and 4, for the Respondent

Judgement

Ajay Kumar Tripathi, J.—Order dated 24.3.2007 passed by Permanent Lok Adalat, Vaishali at Hajipur in P.L. Case No. 58/2007 as contained in Annexure-2 is under challenge by the petitioners seeking quashing of the award. According to them fraud had been played in filing a so-called compromise petition by including certain properties in the compromise petition, which was not part and parcel of the so-called agreement entered into between the parties. Filing of pre-litigative suit before the Permanent Lok Adalat, Vaishali by private respondent Nos. 3 and 4 is not the issue. The issue is whether the complainants played fraud with the so-called compromise between the parties. May be on good advise the two parties agreed to approach a Permanent Lok Adalat instead of going to a Civil Court but the assertion made in the writ application is that properties not part of compromise was also included in the so-called compromise petition behind the back of the petitioners by fraud played by private respondents No. 3 and 4. This came to the knowledge of the petitioners when the final order was passed and then they realized that a fraud was played with them.

2. The objection of the respondents that once an award attains finality under the Legal Services Authorities Act, 1987 the same cannot be challenged before any appropriate forum much less in Civil Court. It is a misplaced kind of stand to take

keeping in view the decision rendered in CWJC No. 14426/2009, which was the case of Meena Choudhary and Others v. Dr. Dilip Choudhary and Others decided by a Division Bench on 6th November, 2009. The Division Bench taking into consideration the decisions rendered by the Apex Court in the case of State of Punjab and Another Vs. Jalour Singh and Others, as well as the case of Anita Vs. R. Rambilas, has held that if a fraud has been played in obtaining a decree from Permanent Lok Adalat it can surely be challenged before a High Court may be even Civil Court.

3. Since the parties are still at loggerhead and settlement of dispute before Lok Adalat is required to be voluntary, which it is not, it is better to allow them to move a Civil Court of competent jurisdiction. The award would be required to be interfered with in the above background. The impugned order contained in Annexure-2 dated 24.3.2007 passed in P.L.C. Case No. 58/2007, is set aside and writ application is allowed. Parties are free to choose the forum, if they want to resolve their dispute afresh.