

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No.:- CM(M) No. 42/2021
CM No. 7907/2021

1. Ravail Kour, Age: 74 years
D/o Late S. Ranjit Singh
W/o Pritam Singh
R/o Khour Deonia,
Tehsil R.S. Pura, District Jammu.
2. Rajinder Kour, Age 62 years
D/o S. Ranjit Singh
W/o Surjit Singh,
R/o 121-C, Sainik Colony, Jammu.
3. Jaswant Kour, Age: 60 years
D/o S. Ranjit Singh
W/o Balwinder Singh
R/o 272-B, Sainik Colony, Jammu.

.....Petitioner(s)

Through: Mr. Bhupinder Anthal, Advocate vice
Mr. Ankur Sharma, Advocate.

Vs

1. Jasbir Singh
S/o Late S. Ranjit Singh
R/o Village Dhinday Kalan,
A/P 197-A, Sainik Colony, Tehsil & District Jammu.
2. Juzar Singh
S/o Late S. Ranjit Singh
R/o Village Dhinday Kalan,
A/P 154-B, Sainik Colony, Tehsil & District Jammu.
3. Mastan Singh
S/o Late S. Ranjit Singh
R/o Village Dhinday Kalan,
Tehsil R.S. Pura District Jammu.

..... Respondent(s)

Through: Mr. Abhishek Wazir, Advocate for R 1and 2.
Mr. Bilal A Chowdhary, Advocate vice

Mr. S.M. Chowdhary, Advocate.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
08.05.2025

1. The three petitioners, namely, Smt. Ravail Kour, Smt. Rajinder Kour and Smt. Jaswant Kour came to be named as proforma defendants in a civil suit filed by the respondents No. 1 and 2, namely, Jasbir Singh and Juzar Singh in which the respondent No. 3-Mastan Singh figured as contesting defendant No. 1.
2. The civil suit was laid before the court of learned Sub Judge (13th Finance Commission), Jammu on its file No. 158/Civil.
3. In the said suit, the plaintiffs i.e., respondents No. 1 and 2 herein sought a declaration declaring the alleged will deed of one Ranjit Singh S/o Bisawa registered on 12.10.2018 by the Sub Registrar, R.S. Pura with respect to land comprised in khasra No. 153 min measuring 3.11 kanals and khasra No. 128 measuring 1 kanal and 3.5 marlas at Nihalpur Simbal as null and void, inoperative and not binding upon the rights of the plaintiffs and sought a consequential relief of partition of the land comprised in khasra No. 128/135 min measuring 8.10 kanals.
4. The very fact that the petitioners herein figured as proforma defendants meant that the respondents No. 1 and 2 was

seeking no declaration in the context of the case against them.

5. During the pendency of the civil suit, the respondents No. 1 and 2 as plaintiffs and the respondent No. 3 as the contesting defendant are said to have settled their dispute by an amicable settlement documented in the form of a Compromise Deed dated 09.07.2021 which paved the way for reference of the civil suit for disposal to the Lok Adalat which was scheduled to be held on 10.07.2021 in the District Court Complex, Jammu before Bench No. 4.
6. In the Lok Adalat so held on 10.07.2021, it is the respondents No. 1 and 2 and the respondent No. 3 who appeared along with the Compromise Deed and sought disposal of the suit by way of lok adalat award which, accordingly, came to be passed on 10.07.2021.
7. The Lok Adalat award reads as under:

“The instant case has been referred to this Lok Adalat by learned Special Mobile Magistrate (13th Finance Commission), Jammu.

Plaintiffs as well as contesting defendant i.e., defendant No. 1 along with counsels for all the parties present. Plaintiffs and defendant No. 1 through counsels have presented a compromise deed. Be kept on the file.

Statements of the plaintiffs Jasbir Singh, Juzar Singh and defendant Mastan Singh as well as their counsels Amit Raina and Pawan Maini respectively and counsel for the

proforma defendant namely Manohar Singh (Advocate) have been recorded. Be kept on the file.

Parties present have stated that they heard the contents of the compromise deed and the contents thereof are correct.

In view of the compromise deed as well as the statements above referred, the Award is passed in favour of the respective parties in terms of compromise deed.

The file shall be returned to the concerned court.”

8. By no stretch of reference, the lok adalat award in reference refers itself to be affecting or binding on the petitioners, who figured as proforma defendants in the civil suit and, therefore, the petitioners cannot be heard to say that they have a right to challenge the lok adalat award through the medium of the present proceedings under article 227 of the Constitution of India. In fact, it is being informed at the bar by the learned counsel for the respondents herein that the petitioners have already filed a civil suit wherein they have called in question the compromise deed dated 09.07.2021 so executed between the respondents No. 1 and 2 on the one hand and respondent No. 3 on the other hand and, therefore it is that civil suit which is going to govern and decide the legality and validity of the compromise deed vis-à-vis the petitioners' claimed rights with respect to the property forming subject matter of the compromise deed.

9. In the light of the aforesaid, this Court is of the view that the present petition is misconceived one and, therefore, is dismissed without prejudice to the rights of the either of the parties who are said to be locked in the civil suit filed by the petitioners against the respondents.
10. Disposed of accordingly along with connected application.

(RAHUL BHARTI)
JUDGE

JAMMU
08.05.2025
Naresh/Secy.

