

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13535 of 2014

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Rajendra Prasad Sah @ Rajendra Prasad Son of Sita Ram Sah resident of
village - Dhansoi, Anchal - Rajpur, Police Station - Dhansoi, District –
Buxar
.... **Petitioner.**

Versus

1. The State of Bihar through the District Magistrate, Buxar
 2. Sita Ram Sah @ Sita Ram Prasad Son of Ramdas Sah Mataufa
 3. Janki Devi Wife of Sita Ram Sah
 4. Vijay Prasad Son of Sita Ram Sah
 5. Ashok Kumar Son of Sita Ram Sah
 6. Anil Kumar Son of Sita Ram Sah
 7. Manish Kumar Son of Sita Ram Sah
 8. Shanti Devi Wife of Vijay Prasad
 9. Sandhya Devi Wife of Ashok Kumar All above Sl. No. 2 to 9 are
residents of village - Dhansoi, Anchal - Rajpur, Police Station - Dhansoi,
District – Buxar
... **Respondents.**
- =====

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh
For the Respondent/s : Mr. Gp31- Smt.Binita Singh

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT`

2 26-03-2015 Heard Mr Bindhyachal Singh, the learned
counsel appearing for the petitioner.

The interlocutory application
(I.A.No.7811/2014) to add the person named in paragraph-1 in
the interlocutory application as respondent in this writ application
is allowed and the petitioner is permitted to add the person named
in paragraph-1 of this interlocutory application as respondent in

this writ application.

The prayer made in this writ application is for quashing of the award/decreed dated 12.04.2014 passed by Lok Adalat in Title Suit Case No. 158/14 (564/14) brought on record at Annexure-2 series of this application. The petitioner has not been impleaded in the suit which has been disposed of by the impugned award/decreed on the basis of compromise. The petitioner claims that he was a necessary party to the suit.

The similar matter on identical facts came up for consideration before a Bench of this Court in CWJC No. 14426/2009 and by order dated 06.11.2009 disposing of the said writ application it has been held as follows:-

"Considering the nature of dispute, we are of the view that writ proceeding is not appropriate for its resolution.

The next issue is what should be remedy or forum for the petitioners where they can seek redressal of their aforesaid grievances.

As discussed and held earlier, powers of Lok Adalat are not co-extensive with that of civil courts who have full power to take evidence including oral evidence and also to



*exercise necessary powers under Section 151 of the Code of Civil Procedure. In such situation, in our view, nothing in the Code of Civil Procedure or other law can render the petitioners remediless and following the law noticed above in the case of **Smt.Anita Vrs. R.Rambilas reported in AIR 2003 Andhra Pradesh 32** we hold that the petitioners will be entitled to invoke plenary jurisdiction of civil court to claim necessary relief on the ground of fraud or even on the grounds available to petitioner no.1. As a proposition of law it is well established that a person who was not a party to the proceeding, will not be bound by any order passed therein unless he or she was impleaded through a representative like Karta or an authorized agent who may in appropriate situations represent others.*

With these observations, this writ petition is disposed of.

It is made clear that we have not expressed our views with regard to merits of the

case and this order will not affect either of the parties on merits.

It goes without saying that the civil court, if approached, will examine all the matters and issues on its own merits including issue of granting any interim order or relief to the petitioners but only in accordance with law.

In view of the aforesaid authoritative pronouncement, this Court finds that the present application is not appropriate forum for redressal of the grievances of the petitioner. The writ application is disposed of with liberty to the petitioner to approach the competent civil court for redressal of his grievances as held and observed in the case of **Meena Choudhary (Supra)**.

(V. Nath, J)

Nitesh/-

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