

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1398 of 2015

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Siyaram Das @ Shivan Das Chela

.... Petitioner/s

Versus

State of Bihar & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr. Geeta Kumari

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 27-11-2015 1. Heard the learned counsel for the petitioner and the learned counsel for the State of Bihar.
2. This application under Article 227 of the Constitution of India has been filed by the petitioner against the Award dated 18.05.2005 passed by learned Presiding Officer of Permanent Lok Adalat, Madhubani whereby the Title Suit No.19 of 2005 was allowed on the basis of compromise.
3. The learned counsel for the petitioner submitted that he was the defendant in the Court below and he never signed the compromise application and Vakalatnama. The plaintiff respondent No.2 committed forgery and filed a forged compromise application on the basis of which the Award was passed by the Permanent Lok Adalat.
4. On the other hand, the learned counsel appearing on

behalf of the State of Bihar submitted that the order is of the year 2005 whereas the petitioner is challenging the said after 10 years.

5. The claim of the petitioner is that in fact he has not signed the compromise application and that he had not executed any Vakalatnama in favour of any Advocate in the title suit before the Permanent Lok Adalat. Therefore, the Award passed by the Permanent Lok Adalat on the basis of the forged compromise application is to be set aside. The learned counsel for the petitioner relied upon a decision of this Court in the case of **Mohan Ji Pathak Vs. State of Bihar** and submitted that the Permanent Lok Adala had no jurisdiction to entertain the suit directly. On this question, the learned counsel further relied upon a decision of this Court in the case of **Dhirendra Pratap Singh Vs. Ravikant Singh 2014 (2) PLJR 619 and 2014 (1) PLJR 476 Srinivas Rai Vs. Mahendra Rai.**

6. Perused the decision relied upon by the learned counsel for the petitioner. From perusal of the decisions relied upon by the learned counsel for the petitioner, I find that the facts of this case is entirely different than the facts involved in the aforesaid decision.

7. This Court in the case of **Kanti Devi Vs. State of Bihar**



2012 (2) PLJR 184 has considered the Division Bench decision of this Court and also various decisions of the Supreme Court held that the powers of Lok Adalat are not co-extensive with that of Civil Court who have full power to take evidences including oral evidence and also to exercise necessary power under Section 151 of the Code of Civil Procedure. The Division Bench of this Court in the case of **Mina Chaudhary Vs. Dr. D. Lima Chaudhary** by terms of order dated 06.11.2009 in C.W.J.C. No.14426 of 2009 also held that the disputed question cannot be gone into by the Lok Adalat. It has also been held in view of the decisions of the Hon'ble Supreme Court in the case of *Interglobe Aviation Ltd. Vs. N. Sachidanand* 2011 (7) SCC 463 and 2011 (7) SCC 491 *Life Insurance Corporation of India Vs. Suresh Kumar* that 'the confusion caused on account of the term Permanent Lok Adalat being used to describe two different types of Lok Adalats. The Legal Service Authority Act refers to two types of Lok Adalats. The first is a Lok Adalat constituted under Section 19 of the Act which has no adjudicatory functions or powers and which discharges purely conciliatory functions. The second is a Permanent Lok Adalat established under Section 22-B(1) of the Legal Service Authority Act to exercise jurisdiction in respect of public utility services.'

8. In the present case at our hand the admitted fact is that the Award had been passed on the basis of the compromise arrived at between the parties. The point raised by the learned counsel for the petitioner that he has not signed the compromise application is a disputed question of fact that neither can be decided by this Court in exercise of jurisdiction under Article 226 or 227 nor can it be decided by the Lok Adalat / Permanent Lok Adalat constituted under Section 19 of the Legal Service Authority Act as it is the fact that in Bihar, still no Permanent Lok Adalat had been constituted and the Lok Adalat constituted under Section 19 of the Legal Service Authority Act are loosely called the Permanent Lok Adalat that means that the Lok Adalat has been holding the Courts regularly. In such circumstances, the point raised by the learned counsel for the petitioner can only be decided by competent Civil Court. I, therefore, find no merit in this writ application, therefore, this writ application is dismissed. The petitioner, if so advised, may pursue his grievance before appropriate forum. Accordingly, this writ application is dismissed with aforesaid direction.

Sanjeev/-

(Mungeshwar Sahoo, J)

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