

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1323 of 2014

Laish Devi

.... Petitioner/s

Versus

Mala Devi & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Respondent/s : Mr. Md. N. Hoda Khan

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 10-12-2015

Heard learned counsel Mr. Sunil Kumar Pandey for the petitioner.

2. This writ application has been filed challenging the award dated 21.03.2013 passed by the permanent Lok-Adalat, Muzaffarpur in Pre-litigation Case No.40 of 2013.

3. The learned counsel for the petitioner submitted firstly that the Lok-Adalat cannot take cognizance of any suit directly and secondly that the petitioner is necessary party to the suit but she has not been made party and moreover the petitioner has also got share in the suit property.

4. So far the grievance of the petitioner that Lok-Adalat has no jurisdiction directly to entertain a pre-litigation case is concerned, Section 19 sub section 5 (ii) of the Legal Service Authorities Act, 1987 clearly provides that the Lok-Adalat can decide the matter which is not brought before any court. In this

matter reference may be made to the decision of this Court in the case of **Panna Lal Prasad Vs. Manoj Kumar Gupta and another, 2012 (3) P.L.J.R. 579**. So far other points raised by the learned counsel for the petitioner are concerned, these disputed questions regarding share of the petitioner or that she was necessary party in the pre-litigation case cannot be decided in exercise of writ jurisdiction by this Court either under Article 226 of the Constitution of India or under Article 227 of the Constitution of India. If so advised, the petitioner may approach the appropriate forum to initiate appropriate proceeding as has been held by the Division Bench of this Court in the case of **Meena Choudhary and another Vs. Dr. Dilip Choudhary and others** passed on 06.11.2009 in C.W.J.C. No.14426 of 2009. Accordingly, the award cannot be interfered with in writ jurisdiction.

5. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--