

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-21156 of 2010
Date of Decision:-10.9.2015**

Karamjit Kaur

...Petitioner

Versus

Permanent Lok Adalat-cum-SDJM Guhla, Distt. Kaithal and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Mahender Singh, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG Haryana.

Mr. R.K. Bansal, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Petitioner Karamjit Kaur has filed the present petition under Section 482 Cr.P.C. challenging the order dated 12.11.2009 (Annexure P-5) passed by the Sub Divisional Judicial Magistrate, Guhla, District Kaithal in the permanent Lok Adalat.

Learned counsel for the petitioner contends that the petitioner had not made any statement before the permanent Lok Adalat and it is her counsel, who had agreed to the statement made by the respondent on 12.11.2009.

The order dated 12.11.2009 passed by learned Lok Adalat read as under :-

“File taken up today in permanent Lok Adalat. The respondent has made statement that he is ready to make the payment of Rs.700/- per month from November, 2009 as maintenance allowance to the petitioner and the learned counsel for the petitioner has agreed with the said statement. Hence, keeping in view the statement of learned counsel for the petitioner and respondent in Permanent Lok Adalat and the status of parties. I deem fit to grant a sum of Rs.700/- per month to the petitioner from November, 2009. I order accordingly and the petition thus, stands disposed of. File be consigned to the record room after due compliance.”

Learned counsel for the respondent No.2-husband submits that apart from the fact that the aforesaid statement was made by counsel for the petitioner, the petitioner has even got re-married. Therefore, the marriage between the petitioner and respondent no more subsists. Learned counsel for the respondent No.2 has relied upon ***Ambika Kumary vs. State of Kerala 2011(3) Civil Court Cases 066 (Kerala) (DB)*** to contend that when the order has been passed by the permanent Lok Adalat, the only remedy available against the award passed by the permanent Lok Adalat is by way of filing of writ petition under Article 226/227 of the Constitution of India. He refers to para 11 of the said judgment, which read as under :-

“11. We have already noticed that the difference between Lok Adalat and PLA is that while the Lok Adalat only makes an attempt to settle dispute with the

agreement of parties and passes only compromise decrees for settlement of dispute, Section 22E makes it clear that PLA can either pass an award on merit or can pass an award in terms of settlement or agreement which is signed by the parties also. In other words, once a complaint filed before PLA is within its jurisdiction, then PLA has no escape from deciding the matter finally, which can be through a settlement award, and if there is no possibility of settlement by PLA deciding the case on merit after taking evidence in the same way a Civil Court does. However, Section 22D makes it clear that PLA shall not be bound by the provisions of the Code of Civil Procedure and Indian Evidence Act and all what is required of it is to follow principles of natural justice, objectivity, fair play and equity. In other words once the proceedings are completed and decision rendered following the above principles, then the award cannot be invalidated for procedural non-compliance or other technical non-compliance of Evidence Act or CPC. By virtue of sub Section (2) & (4) of Section 22E award of PLA is a decree and the same shall be final and shall not be called in question in any suit, application or in execution proceedings. Sub section (5) of Section 22E authorises Civil Courts to execute the decree passed by PLA as if it is a decree made by Civil Court. The only remedy available against an award passed by PLA is the writ remedy available before High Courts under Articles 226 & 227 of the Constitution of India and the grounds of challenge available will be violation of natural justice and incompatibility with principles of justice, equity, fair play and reason and not on grounds of technicality or procedural non-compliance not affecting the result of adjudication.”

I have heard learned counsel for the parties.

Considering the fact that counsel for the petitioner had agreed to the statement made by respondent-husband Ravinder Kumar and accepted maintenance under Section 125 Cr.P.C. @ Rs.700/- per month, the petitioner cannot resile from the statement made by her counsel. Further, in view of **Ambika Kumary's** case (supra) the present petition is not maintainable. This Court cannot ignore the fact that the petitioner has got re-married and therefore even the continuation of marriage is under serious doubts.

Therefore, no interference is warranted by this Court in the order dated 12.11.2019 (Annexure P-5) passed in the permanent Lok Adalat.

The petition is dismissed.

September 10, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE