

231

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40507 of 2012
Date of Decision: 18.05.2015

MANJIT SINGH AND ANOTHER.

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jasjit Singh Dhaliwal, Advocate
for Mr. G.S. Brar, Advocate
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. Angel Sharma, Advocate
for respondent No.2.

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

RAJ MOHAN SINGH, J. (Oral)

Petitioners have assailed order dated 05.05.2012 passed by Additional Sessions Judge, SBS Nagar vide which order of the Lok Adalat, accepting cancellation report submitted by the police was set aside and the case was remanded back to the trial Court for consideration on cancellation report after giving due opportunities to both the parties.

FIR was registered on the statement of Harcharan Singh alleging incriminating act on the part of accused. Police investigated

the case and submitted cancellation report. During the intervening period, the controversy was placed before Lok Adalat and at the time of submission of cancellation report, the Lok Adalat considered the cancellation report and passed order dated 20.12.2008, accepting the cancellation.

The said order was assailed in revision before Additional Sessions Judge, SBS Nagar. The Revisional Court vide order dated 05.05.2012 accepted the revision petition thereby setting aside the order of the Lok Adalat, accepting the cancellation report with a direction to trial Court to decide afresh after giving reasonable opportunities to both sides.

Learned counsel for the petitioners submits that before Lok Adalat, due service was effected upon the complainant and in the event of his non-appearance, Lok Adalat accepted the cancellation report and there is no legal impediment before the Lok Adalat to take recourse to such an action.

On the other hand, learned counsel for the complainant submits that the scope of Lok Adalat was only to pass orders with concurrence of both the parties, Lok Adalat cannot embark upon the merits of the case in case one of the parties is not agreeable.

At this stage, it cannot be brought out whether complainant was duly served before the Lok Adalat or not, but fact remains that even if the complainant was duly served and he opposes the acceptance of cancellation report, it was not within the jurisdiction of Lok Adalat to accept the cancellation report. According to this Court, the revisional Court has acted judiciously and has nullified the order passed by Lok Adalat which according to this Court seems to be

without jurisdiction. Since the case has been remanded back to the competent Court of Magistrate with a direction to consider the cancellation report after giving due opportunities to both sides, no interference is called for in present revision petition.

Resultantly, this petition is dismissed.

(RAJ MOHAN SINGH)
JUDGE

May 18, 2015
SwarnjitS