

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11720 of 2013

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1. Kusum Kuer Wife of Late Shankar Sah Alias Sheo Shankar Sah.
 2. Vikash Kumar Son of Late Shankar Sah Alias Sheoshankar Sah both Resident of Village- Babhani, P.S. Kargahar, Distt. Rohtas.

.... Petitioner/s

Versus

1. Bishundei Kuer Wife of Late Sheopujan Teli Resident of Village- Babhani, P.S. Kargahar, Distt. Rohtas.
2. Sri Alagu Sah Son of Late Sitaram Teli.
3. Rajesh Sah Son of Late Sheopujan Teli.
4. Urmila Devi.
5. Kaushlya Devi both Daughter Of Late Sheopujan Teli all Resident of Village- Babhani, P.S. Kargahar, Distt. Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-11-2016

Heard learned counsel for the petitioners.

The petitioners claiming themselves to be co sharers in the property, which was the subject matter of the impugned award passed by the Lok Adalat in the proceeding in between the respondents, have questioned the legal sustainability of the said award by filing this application under Article 227 of the Constitution of India.

After considering the submissions and perusal of the materials on record, it transpires that these petitioners were not impleaded as parties in the proceeding before the Lok Adalat.

However, it is the case of the petitioners that the respondents deliberately omitted to mention their names in the genealogical table produced in the proceeding before the Lok Adalat and also omitted to implead these petitioners as parties. It is thus demonstrably clear that the entire case of the petitioners is dependent upon the determination of the fact of their status as co sharer in the property subject matter of the impugned award. It also goes without saying that as the petitioners were not party in the impugned award which has been passed upon the compromise between the respondents inter-se the same would not be binding upon the right, title and interest of the petitioners in the property in question.

This Court therefore, does not find merit in this application which is, accordingly, dismissed. However, this order shall not prejudice the petitioners to seek the remedy available to them in accordance with law for protecting their right, title and interest in the property as claimed.

(V. Nath, J)

Devendra/-

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