

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2379 of 2014

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1. Sheo Shankar Singh @ Gauri Singh S/O Late Guptnath Singh Resident Of Bhabhua, Ward No. 20, P.S. Bhabhua, District - Kaimur

.... Petitioner/s

Versus

1. Anjani Kumar Singh Son Of Late Prabhu Narayan Singh Resident Of Bhabhua, Ward No. 20, P.S. Bhabhua, District - Kaimur
2. Vijay Kumar Singh Son Of Late Prabhu Narayan Singh Resident Of Bhabhua, Ward No. 20, P.S. Bhabhua, District - Kaimur
3. Raju Kumar Singh S/O Late Ram Narayan Singh Resident Of Bhabhua, Ward No. 20, P.S. Bhabhua, District - Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

4 20-01-2016

Heard learned counsel for the petitioner.

The petitioner has filed this application under Article 227 of the Constitution of India challenging the award dated 10.05.2013 passed by Mobile Lok Adalat, Bench No. 04, Bhabua in Pre-Litigation Case No. 223 of 2013.

It appears that the aforesaid Pre-Litigation case was filed for partition, wherein the petitioner was made defendant. Both the parties compromised and on the basis of the compromise, the aforesaid award was passed by the Permanent Lok Adalat.

The learned counsel for the petitioner raised two



grounds assailing the impugned order passed by the Permanent Lok Adalat; Firstly, according to the learned counsel, under Section 22 (C) of the Legal Services Authority Act, 1987, the permanent Lok Adalat has no jurisdiction to entertain a pre-litigation case and also the Permanent Lok Adalat has no jurisdiction to pass award if the valuation of the litigation is more than 10 Lacs. According to learned counsel in the present case, the valuation is more than 10 Lacs; Secondly, the learned counsel for the petitioner submitted that the pre-litigation case filed by the respondent was bad for non-joinder of the necessary party.

So far first point raised by the petitioner is concerned, it may be mentioned here that the Permanent Lok Adalat or Mobile Lok Adalat, which has passed the award on the basis of the compromise, has not been constituted under Section 22 of the Legal Services Authority Act. In Bihar, the Lok Adalats are constituted under Section 19 of the Legal Services Authority Act. The Lok Adalat has the jurisdiction to pass award on the basis of compromise in view of Section 19(5)(ii) of the Legal Services Authority Act. No valuation prescribed regarding the jurisdiction. It may be mentioned here that all the points raised by the petitioner is covered by the decision of this Bench reported in **2012 (2) PLJR 184.**

In such view of the matter, the award passed by the court below, on the basis of compromise arrived at between the parties, cannot be interfered with in supervisory jurisdiction under Article 227 of the Constitution of India. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

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