

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12317 of 2014

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1. Indira Devi Wife of Mukesh Kumar Pandit, Daughter of Late Ram Dayal Sharma (Pandit) Resident of Mohalla Lakri Dhahi, P.S- Town, District- Muzaffarpur.
 2. Usha Devi Wife of Late Ram Dayal Pandit Resident of Village Kashipur, Sonbarsa Chowk, P.S- Muffasil, District- Samastipur.

.... Petitioner/s

Versus

1. Kanhaiya Lal Keshri (Pandit) Son of Late Ram Dayal Sharma (Pandit)
2. Punam Devi Wife of Kanhaiya Lal Keshri (Pandit)
3. Rahul Priyadarsi Son of Kanhaiya Lal Keshri (Pandit)
4. Jyoti Kumari Daughter of Kanhaiya Lal Keshri
5. Ansu Kumari Daughter of Kanhaiya Lal Keshri All resident of Village Mushapur (Sonbarsa Chowk), P.S- Muffasil (Samastipur) District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-01-2016

Heard learned counsel for the petitioners.

This application, under Article 227 of the Constitution of India, has been filed by the petitioners for setting aside the award passed by the Permanent Lok Adalat, Samastipur, in P.L.A. No. 128 of 2011 dated 30.11.2011.

Perused the order passed by the Permanent Lok Adalat. From perusal of the same, it appears that the Permanent Lok Adalat found that both the parties appeared before the Permanent Lok Adalat and filed compromise application.

Affidavits were also filed in support of the same and find that the parties have compromised and passed the impugned award.

The learned counsel for the petitioners submitted that, in fact, respondent No. 1, who is brother of petitioner No.1 and son of petitioner No.2 fraudulently obtained the signature of these petitioners and by impersonating them by another lady before the Permanent Lok Adalat obtained the award. So far submission of the learned counsel for the petitioner is concerned, this is a pure question of fact and the same cannot be decided in supervisory jurisdiction. The point, which is being raised regarding fraud or misrepresentation or impersonation, is a question that can only be decided by the civil court. Accordingly this writ application under Article 227 of the Constitution of India is not maintainable. As such, it is dismissed.

If so advised, the petitioner may move appropriate forum.

(Mungeshwar Sahoo, J)

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