

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7718 of 2014

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Ambika Singh

.... Petitioner/s

Versus

Ashok Kumar Singh & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Varun Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-02-2016

Heard learned counsel Mr. Varun Kumar for the
petitioner.

The petitioner is challenging the award passed by the
Permanent Lok Adalat, Buxar dated 11.07.2013 in Prelitigation
Case No. 138 of 2013.

The learned counsel for the petitioner submitted that
Prelitigation Case was filed by the brother of the petitioner
wherein the father was made party. The present petitioner was not
made party. The property in question is the property of the father
but by compromise both of them distributed the property without
giving any share to the petitioner.

It is settled principles of law that the Permanent Lok
Adalat has no adjudicatory function to decide such dispute
between the parties. From perusal of the award, it appears that
both the parties compromised and on the basis of compromise,



award has been passed by Permanent Lok Adalat. This compromise between both the parties is nothing but contract between them and, therefore, it will not be binding on any other person i.e. a person who is not a party to the compromise and, therefore, if the petitioner has any right or title and/or if the right of the petitioner is infringed by the compromise between the original party, he may approach appropriate forum for declaration of his title and/or possession or recovery of possession but certainly at the instance of the petitioner, the compromise award passed by the permanent Lok Adalat cannot be set aside on the ground of fraud or that the petitioner was a necessary party.

Thus, no case for interference in supervisory jurisdiction is made out and accordingly, this writ application is dismissed. Liberty is granted to the petitioner, if so advised, to initiate appropriate proceeding before appropriate forum.

(Mungeshwar Sahoo, J)

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