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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23261 of 2012

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1. PRABHAWATI DEVI WIFE OF RANGNATH PANDEY RESIDENT OF VILLAGE:- KAITHI, P.O. & P.S.:- AKODHIGOLA, DISTRICT:- ROHTAS AT SASARAM

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR THROUGH THE COLLECTOR, ROHTAS AT SASARAM
2. MEERA DEVI WIFE OF OM PRAKASH PANDEY RESIDENT OF VILLAGE:- BAGHAILA, P.S.:- NOKHA, OUT POST:- BAGHAILA, DISTRICT:- ROHTAS AT SASARAM
3. SANTOSH KUMAR PANDEY SON OF OM PRAKASH PANDEY RESIDENT OF VILLAGE:- BAGHAILA, P.S.:- NOKHA, OUT POST:- BAGHAILA, DISTRICT:- ROHTAS AT SASARAM
4. BINAY KUMAR PANDEY SON OF OM PRAKASH PANDEY RESIDENT OF VILLAGE:- BAGHAILA, P.S.:- NOKHA, OUT POST:- BAGHAILA, DISTRICT:- ROHTAS AT SASARAM
5. RAVI PANDEY MINOR SON OF OM PRAKASH PANDEY, THROUGH MEERA DEVI MOTHER AND NATURAL GUARDIAN RESIDENT OF VILLAGE:- BAGHAILA, P.S.:- NOKHA, OUT POST:- BAGHAILA, DISTRICT:- ROHTAS AT SASARAM
6. DISTRICT MAGISTRATE, ROHTAS AT SASARAM
7. OM PRAKASH PANDEY SON OF LATE KAPILMUNI PANDEY RESIDENT OF VILLAGE:- BAGHAILA, P.S.:- NOKHA, OUT POST:- BAGHAILA, DISTRICT:- ROHTAS AT SASARAM

.... RESPONDENT/S

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Tiwari-Advocate
For the Respondent/s : Mr. Girija Shankar Prasad-GP-1

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 29-01-2016 Heard learned counsel for the petitioner.

Petitioner has challenged the order dated 30.04.2012 passed in Lok Adalat, Sasaram in Misc. Case No.04(M)/ 2008 (Smt. Prabhawati Devi vs. Meera Devi & ors.) whereby and whereunder the Lok Adalat had rejected the petition filed on behalf of petitioner to review order dated 13.01.2004 passed in Case No.494(D)/ 2003, on the ground of fraud.

After hearing the learned counsel for the petitioner, it

is evident that the issues are fully governed by the principle laid down under C.W.J.C. No.14426 of 2009 whereunder it has been held under Para-5:-

> *"As discussed and held earlier, powers of Lok Adalat are not co-extensive with that of civil courts who have full power to take evidence including oral evidence and also to exercise necessary powers under Section 151 of the Code of Civil Procedure. In such situation, in our view, nothing in the Code of Civil Procedure or other law can render the petitioners remediless and following the law noticed above in the case of* ***Smt. Anita (Supra),*** *we hold that the petitioners will be entitled to invoke plenary jurisdiction of civil court to claim necessary relief on the ground of fraud or even on the grounds available to petitioner no.1. As a proposition of law it is well established that a person who was not a party to the proceeding, will not be bound by any order passed therein unless he or she was impleaded through a representative like Karta or an authorized agent who may in appropriate situations represent others."*

Giving liberty to the petitioner to file duly constituted suit to challenge the relevant award/orders, instant petition is disposed of.

It is further made clear that in case, suit is filed within four weeks from today, then in that event, no question of limitation will survive.

(Aditya Kumar Trivedi, J)

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