

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5324 of 2014

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Ram Chandra Mahto

.... Petitioner/s

Versus

Harendra Kumar Panjiyar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 04-02-2016

Heard the learned counsel for the petitioner.

This application under Article 226 of the Constitution has been filed by the petitioner for setting aside the award dated 28.08.2004 passed by Lok Adalat, Samastipur in Title (Partition) Suit No.13 of 2003.

The learned counsel for the petitioner submitted that he had already filed intervention application in Title(Partition) Suit No.13 of 2003 in the year 2003 itself on the basis of the sale deed obtained from the defendants of the suit on 21.08.2003 and 14.02.2004 but without his signature on the compromise, the parties collided themselves with each other and got the award passed by Lok Adalat and thereby the award is affecting the petitioner.

It is admitted fact, as admitted by the learned counsel for the petitioner, that the petitioner was not party to the suit. No order

was passed by the court on the intervention application. Admittedly, he is not a signatory to the compromise application nor in his presence, the compromise was recorded by Lok Adalat. The award is of the year 2004 and for the first time, after 10 years, this application under Article 226 of the Constitution of India has been filed by the petitioner. Therefore, after such a long period, the legality or otherwise of the award cannot be examined particularly when the petitioner is neither party to the suit nor party to the compromise.

However, if at all the petitioner has any right, title and interest in the suit property and his right, title and interest is affected by the award, the petitioner may approach appropriate forum by initiating appropriate proceeding as the award passed by the Lok Adalat will not be binding on him and he is not a party to either the suit or the compromise.

Thus, this writ application is dismissed with aforesaid direction.

(Mungeshwar Sahoo, J)

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