

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8266 of 2014

=====

Fulmati Kuer @ Fulmati Kumari

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Respondent/s : Mr. Ga5-Jai Shankar Barnwal

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 26-02-2016 1. Heard the learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner has filed this application under Article 226 of the Constitution of India challenging the Award dated 14.03.2012 passed by Lok Adalat, Sasaram (Rohtas) in Lok Adalat Case No.308 (D) of 2011.
3. The grievance of the petitioner is that the parties to the suit before Lok Adalat gave a wrong genealogy and wrong statement that Ram Kuer Rai, father of petitioner died issueless and with a view to grab the property of the petitioner colluded with each other and fraudulently obtained the Award from the Lok Adalat surprising the real fact. According to the learned counsel, she is the daughter of Ram Kunwar Rai and inherited the property of Ram Kunwar Rai after his death.

4. Perused the Award passed by the Lok Adalat. All the questions raised by the petitioner regarding the parentage or fraud or suppression of fact and that the parties to the case before the Lok Adalat did not approach Lok Adalat with clean hand rather all facts that can only be decided in a properly instituted suit. These questions cannot be gone into in the extraordinary writ jurisdiction under Article 226 of the Constitution of India.

5. It is settled principle of law that the compromise between the parties is a contract between them, it will not be binding on third person and, therefore, in the present case even if the respondent herein compromised themselves, it will be the contract between them and it will not affect the third person, that is the petitioner, who is neither party to the suit nor signatory to the compromise application. Therefore, the Award passed by the Lok Adalat will also not be binding on the present petitioner. In such circumstances, if so advised, the petitioner may approach appropriate forum by initiating appropriate proceeding seeking the redressal of her grievance.

6. With this observation, this writ application is disposed of.

(Mungeshwar Sahoo, J)

Sanjeev/-

U			
---	--	--	--