

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13237 of 2012

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Neelam Devi Wife Of Late Laxaman Rai Resident Of Mohalla - Bag Taj
Khan @ Pokhar, P.S. Town Hajipur, District - Vaishali

.... Petitioner/s

Versus

1. Ganga Sagar Rai Son Of Late Saryug Rai Resident Of Mohalla - Bah Taj
Khan @ Pokhar, P.S. Town Hajipur, District - Vaishali
2. Asha Devi Wife Of Late Dev Chandra Rai Resident Of Mohalla - Bag
Taj Khan @ Pokhar, P.S. Town Hajipur, District - Vaishali
3. Kiran Kumari Daughter Of Late Dev Chandra Rai, Minor Under
Gurdianship Of Her Mother Resident Of Mohalla - Bag Taj Khan @
Pokhar, P.S. Town Hajipur, District - Vaishali
4. Santosh Kumar Rai Son Of Late Dev Chandra Rai Minor Under
Guardianship Of His Mother Resident Of Mohalla - Bag Taj Khan @
Pokhar, P.S. Town Hajipur, District - Vaishali
5. Manish Kumar Rai Son Of Late Dev Chandra Rai Minor Under
Guardianship Of His Mother Resident Of Mohalla - Bag Taj Khan @
Pokhar, P.S. Town Hajipur, District - Vaishali
6. Geeta Devi Wife Of Late Mahavir Rai Resident Of Mohalla - Bag Taj
Khan @ Pokhar, P.S. Town Hajipur, District - Vaishali
7. Priti Kumari Daughter Of Late Mahavir Rai Under Guardianship Her
Mother Geeta Devi Resident Of Mohalla - Bag Taj Khan @ Pokhar, P.S.
Town Hajipur, District - Vaishali
8. Shankar Rai Son Of Late Saryug Rai Resident Of Mohalla - Bag Taj
Khan @ Pokhar, P.S. Town Hajipur, District - Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

7 02-02-2016 Heard.

The award passed by the permanent Lok Adalat, Vaishali
at Hajipur in Pre-Litigation Case No. 62 of 2009 is under
challenge. It is contended that earlier to this, the petitioner had
filed a Pre-Litigation Suit No. 43 of 2006 in which an award
(Annexure-4) was passed wherein a passage was carved out in plot

nos. 9,10,11 and 12. Subsequently, the respondent filed a Pre-Litigation Case No. 62 of 2009 only in respect of plot no.12. The said Pre-Litigation Suit No. 62 of 2009 was disposed of by the permanent Lok Adalat in the light of the agreement/settlement.

On query, counsel for the petitioner fairly states that she was not made party to the suit i.e. Pre-Litigation Case No. 62 of 2009. The same was in respect of plot no.12 only. It was not brought to the notice of the permanent Lok Adalat/court that there was an award passed in respect of plot nos. 9, 10, 11 and 12 with regard to the passage.

In my view, if the petitioner is not party thereto, then the said award would not obviously bind her. It is not a case where the jurisdiction of the court to entertain the pre-litigation proceeding has been challenged.

Considering the above, the writ application stands disposed of without granting any relief to the petitioner.

(Kishore Kumar Mandal, J)

HR/-

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