

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 1071 of 2015**

- Arun Kumar Miri S/o Shri Chhotelal, Aged About 25 Years R/o Village Amalidihi Police Station And Tahsil Lormi, District Mungeli, (Chhattisgarh)

---- Petitioner

Versus

- Smt. Bharti Miri (Ex Wife Of Arun Miri) D/o Ramayn Das Lahare, Aged About 23 Years R/o Village Manjhwapara Jarhabhata, Civil Line, Bilaspur (Chhattisgarh)

----Respondent

For Petitioner : Shri J.S. Bariak, Advocate
Respondent not noticed.

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**Order on Board****18/01/2016**

1. Heard on admission.
2. Learned counsel for the petitioner submitted that on account of mis-representation, the petitioner had entered into a compromise with the respondent and both the parties entered into an agreement for the divorce outside the Court of law. They have also agreed on the point that no any amount be given to the respondent. He submits that this Court may invoke the authority under Article 227 of the Constitution of India by setting aside the order passed by the Lok Adalat in which the petitioner is directed to pay Rs.1500/- per month to the respondent. Further the Court may please to issue another writ against the respondent that she is not entitled to get maintenance from the petitioner under Sub-section (4) of

Section 125 of the Code of Criminal Procedure, 1973 (for short 'the Code') as she refused to live with her husband without sufficient cause.

3. For the purposes of appreciation of the arguments advanced in this behalf by learned counsel for the petitioner, perused the record.

4. As per certified copy filed by the petitioner of the Misc. Cr. Case No. 529/2010 under Section 125 of the Code wherein before the Mega Lok Adalat as both the parties have entered into a compromise, award was passed by the Lok Adalat. As per Section 21 of the Legal Services Authorities Act, 1987 (for short the Act 1987), every award of the Lok Adalat shall be deemed to be decree of a Civil Court. The provisions of Section 21 of the Act 1987 are as under :

21. Award of Lok Adalat- (1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870 (7 of 1870).

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

5. From perusal of the impugned award it shows that as both the parties have entered into a compromise and settlement, the Court below has passed the impugned award. The copy of Talaknama has been filed by the petitioner. From perusal of the said Talaknama, it is clear that the same is not under the authority of Hindu Marriage Act, 1955 and relevant provisions of law. If at all for the sake of argument, parties agreed outside the Court, for any agreement unless same is admissible by the Court of law it cannot be held as legally executable document. Besides

this in the Misc. Cr. Case No.529/2010 both the parties have amicably settled and entered into a compromise. On the basis of the said compromise/settlement, the Lok Adalat has passed the impugned award dated 20.1.2013. In the eye of law, the said award is final and binding on all the parties to the dispute. The petitioner has failed to demonstrate any appropriate reason to hold prima facie that the parties under misrepresentation settled the dispute and agreed mutually for the compromise.

6. Upon perusal of the entire facts, in the considered view of this Court, the petitioner had failed to demonstrate any reason for invoking the jurisdiction of Article 227 of the Constitution in the matter. I do not see any reason for interference in the award dated 20.1.2013.

7. Consequently, the instant writ petition is dismissed at the motion stage itself.

8. No order as to cost.

Sd/

(Chandra Bhushan Bajpai)
JUDGE