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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.25364 of 2015 (O&M)
Date of Decision: 11.11.2016

Swaranjit Singh

. . . Petitioner

Versus

Presiding Officer, Lok Adalat, Sri Muktsar Sahib
and another

. . . Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ashok Kumar Khunger,
Advocate for the petitioner.

Mr. P.S. Khurana, Advocate,
for respondent No.2.

Rameshwar Singh Malik, J. (Oral)

CM-14510-CWP-2016

Applicant seeks permission to place on record the reply by
way of affidavit on behalf of respondent No.2

Application is allowed, as prayed for.

CM stands disposed of.

MAIN CASE

Feeling aggrieved against the impugned order dated
21.01.2012 (Annexure P-5), passed by the Presiding Officer, Lok Adalat-
respondent No.1, petitioner has approached this Court by way of instant

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writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the impugned award

Notice of motion was issued and in compliance thereof, written statement by contesting respondent No.2 has been filed.

Heard learned counsel for the parties.

When the civil suit for permanent injunction filed by the petitioner against respondent No.2, who is none else but his son, was pending consideration before the learned Court of competent jurisdiction at Sri Muktsar Sahib, matter was put up before the Lok Adalat. Both the parties appeared before the Lok Adalat and on the basis of mutual settlement arrived at between them, learned Permanent Lok Adalat dismissed the suit as withdrawn, on the basis of compromise.

The relevant part of the impugned order dated 21.01.2012 (Annexure P-5) passed by the learned Lok Adalat, reads as under:-

“File put up in Mega Lok Adalat. The matter has been settled between the parties. It is a case relating to father and son and the defendant has undertaken to give the power and authority to plaintiff (his father) to deal with all the properties including 13-1/2 killas of land situated in village Gulabewala to facilitate the solemnization of marriage of daughter of Swaranjit Singh in best possible way. The defendant has also tendered apology to this father and has undertaken that he will behave like a son and will not commit any act or omission which in any way give disrespect to his father. The plaintiff has also given statement that in case defendant remains obedient son and does not misbehave with him and serve him during his life time, the properties in any shape belonging to him will be inherited by defendant only.

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The parties remain bound by the statements. The suit is dismissed as withdrawn being compromised in terms of the statement. File be consigned to Judicial Record Room.

*Sd/-
(Rakesh Kumar Sharma)
Presiding officer, Mega Lok Adalat
Sri Muktsar Sahib
21.01.2012”*

It is a matter of record that the above said award was passed in the presence of both the parties, who appeared along with their counsel. Statements of both the parties were recorded and thereafter the above-said award was passed. It seems that again differences arose between the parties. Petitioner under a bonafide wrong impression and mistaken belief filed fresh civil suit, which was finally withdrawn by him, vide order dated 01.10.2015 (Annexure P-13) and the relevant part thereof reads as under:-

“Application for seeking the permission to withdraw the present suit has been filed. Sh. Sohan Lal Goyal has filed power of attorney on behalf of plaintiff. Separate statement in this regard of the plaintiff has been recorded. It is pleaded by the plaintiff that since the court has no jurisdiction to try to decide the present suit therefore, he withdraw the suit. The statement of plaintiff is duly identified and attested by his counsel Sh. Sohan Lal Goyal Advocate keeping in view the statement of the plaintiff is hereby dismissed as withdrawn. File be consigned to the record room.”

Immediately thereafter, the present writ petition was filed. This Court thought it appropriate to impress upon the parties, through their respective counsels, to settle the matter amicably, because they are

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closely related. However, parties could not arrive at any amicable settlement.

In view of the above undisputed fact situation obtaining on the record and also keeping in view the relation between the parties, as well as peculiar facts and circumstances of the case, present one has been found to be a fit case for exercising the powers under Articles 226/227 of the Constitution of India, so that the parties may again have another chance to settle the matter amicably.

Keeping the above facts in view and also to do complete and substantial justice between the parties, petitioner is permitted to file an appropriate application before the learned Civil Court, seeking revival of his suit for permanent injunction i.e. Case No.138/18.07.2009, wherein the impugned award dated 21.01.2012 (Annexure P-5) was passed. If the petitioner shall move an appropriate application seeking revival of his civil suit, because the said compromise did not work between the parties, respondent No.2-defendant in the civil suit, shall not raise the objection to the application for revival of the civil suit and learned civil Court shall pass an appropriate order thereon, at an early date. Thereafter, both the parties would still be at liberty to arrive at an amicable settlement with or without the intervention of the Court.

This order has been passed, keeping in view the aims and objects of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, age of the petitioner and also because the present *lis* is between the father and the son. Another reason which weighed with this Court is that bad blood may not be maintained between father and son for all times

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to come and they may get another opportunity to settle the matter amicably.

With the above-said hope and trust, instant writ petition is disposed of, in terms of the above-said observations made and directions issued.

[RAMESHWAR SINGH MALIK]
JUDGE

11.11.2016
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Whether Speaking/reasoned	:	Yes
Whether Reportable	:	No