

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.392 of 2016
IN
Civil Writ Jurisdiction Case No. 2253 of 2014**

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1. Most. Bimla Devi Wife of Janardan Singh, Son of Late Tung Nath Singh, All three substituted vide I.A. No. 3438/2015 dated 06.01.2016
 2. Sivam Kumar, Son of Janardan Singh,
 3. Miss. Komal Rani Singh, d/o Late Janardan Singh, Both minors under Guarddianship of their mother
 4. Rajendra Prasad Singh,
 5. Nepal Jee Singh,
 6. Bachan Singh, all Sons of Late Tung Nath Singh,
 7. Vikash Kumar Singh,
 8. Vijay Kumar Singh, Both Sons of Bachan Singh, all Resident of Village - Mahdah, P.O. - Mahdah, P.S. - Buxar Muffasil, District - Buxar.

.... Appellant/s

Versus

1. The State of Bihar through the Collector of District - Buxar.
2. The D.C.L.R. Buxar at Buxar.
3. The Anchal Adhikari, Buxar at Buxar.
4. Vainkateshwar Singh, Son of Late Salimgram Singh, Resident of Village - Mahdah, P.S. - Buxar, District - Buxar.
5. Sushila Devi, Wife of Gauri Shankar Singh, Daughter of Vainkateshwar Singh,
6. Naina Devi, Wife of Gulabjee Singh, Daughter of Vainkateshwar Singh,
7. Meena Devi, Wife of Uma Shankar Singh, Daughter of Vainkateshwar Singh,
8. Uma Devi Wife of Bijendra Singh, D/o Vainkateshwar Singh, All Resident of Village - Mahdah, P.O. - Mahdah, P.S. - Buxar, Muffasil, District - Buxar.
9. Binaya Singh, Son of Bachhan Singh, Resident of Village, Mahdah, P.S. - Buxar Mufasil, District - Buxar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Mohan Kumar Singh, Advocate
For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 27-03-2017**

Seeking exception to an order dated 6.1.2016 passed in

C.W.J.C. No. 2253 of 2014, this appeal has been filed under Clause



10 of the Letters Patent.

A writ petition was filed under Article 226 of the Constitution of India by the respondents for setting aside a settlement arrived at in the permanent Lok Adalat held on 18.11.2011 at Buxar in pre-litigation case No.239 of 2011. It was the case of the petitioners before the writ Court, now represented by the legal heirs of petitioner No.1 Janardan Singh that the petitioners were not made party and in the absence of the petitioners, the respondents filed the pre-litigation case and compromised themselves and a collusive award was passed by the permanent Lok Adalat. The learned Writ Court took note of the provisions of Section 19 of the Legal Services Authorities Act and the law laid down by the Supreme Court in the case of **Interglobe Aviation Limited Versus N. Satchidanand, reported in (2011) 7 SCC 463**, and found that the petitioners have raised a question with regard to their share in the property which is said to have been partitioned by the respondents collusively in a pre-litigation case. The learned Writ Court took note of a Division bench judgment of this Court in the case of **Meena Chaudhary Versus Dr. Dilip Chaudhary**, disposed of on 6.11.2009 (C.W.J.C. No.14426 of 2009) and held that the question cannot be considered in an application under Article 227 of the Constitution and holding that the High Court has no jurisdiction



to decide the question of fraud and collusion and the question of compromise arrived at, refused to interfere into the matter. The order passed by writ Court goes to show that it has been passed exercising the power under Article 227 of the Constitution and, once the power is exercised under Article 227 of the Constitution, an appeal under Clause 10 of the Letters Patent is not maintainable.

Accordingly, finding the appeal not maintainable, is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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