

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1453 of 2013

IN

Civil Writ Jurisdiction Case No. 12100 of 2009

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Gopal Pandey Son of Late Ambika Pandey, Resident Of Village - Son Dihra, Police Station - Bhabua, District - Kaimur

.... Appellant/s

Versus

1. The State of Bihar
2. The Presiding Officer, Permanent Lok Adalat, Kaimur at Bhabua
3. Ram Nagina Pandey Son of Late Deo Nandan Pandey, Resident of Village - Son Dihra, Police Station - Bhabua, District - Kaimur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sourendra Pandey, Advocate
Mr. Lal Bahadur Pandey, Advocate

For the State/s : Mr. A.A.G.-8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-04-2017

Having heard learned counsel for the appellant, we see no reason to make any indulgence into the matter on merit as after setting aside the compromise and the award passed by the Permanent Lok Adalat, Kaimur at Bhabua in a pre-litigation Case No.410 of 2007, parties have been relegated to take recourse of remedy of approaching the Civil Court of competent jurisdiction.

However, the observations were made that the present appellant, respondent No.3 in C.W.J.C. No.12100 of 2009 seems to have played fraud in the matter of getting the compromise recorded.



As the observations are made only for the purpose of evaluating as to whether the compromise and the award passed should be interfered with, by this Court in the Writ Petition, the same shall not come in the way of the parties in ventilating their rival claims and agitating the same before the court of civil jurisdiction where the matter can be agitated in pursuance to the liberty granted, the Civil Court shall decide the matter on its own merit without being influenced by the observations made as it was only for the purpose of considering the matter in a proceeding under Article 226 of the Constitution of India.

With the aforesaid, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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