

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1212 of 2015
IN
Civil Writ Jurisdiction Case No. 14255 of 2008**

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1. Syed Badrul Hussain, son of Late Syed Mahmood Hussain, resident of Village-Rasulpur, PO & PS- Hayaghat, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Legal Services Authority, Darbhanga.
3. Bibi Sayeeda Khatoon, wife of Late Syed Md. Suleman.
4. Anjum Parween, daughter of Late Syed Md. Suleman.
5. Md. Safdar Hussain, son of Late Syed Md. Suleman.
6. Md. Haidar Ali, son of Late Syed Md. Suleman.
7. Md. Asgar, son of Late Syed Md. Suleman.
8. Md. Akhtar, son of Late Syed Md. Suleman
9. Md. Ahshan, son of Late Syed Md. Suleman. All are resident of Mohalla-Rasulpur, PO & PS- Hayaghat, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar
For the State : Mr. Kaushal Kumar Jha, AAG 8
For Respondents 3 to 9 : Mr Ratan Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**
ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 04-02-2017**

A delay of 94 days is condoned. The reasons indicated in the limitation petition seem to be valid. I.A. No.5157 of 2015 is allowed.

The matter is thereafter heard on merits.

The appellant is aggrieved by the decision of the learned Single Judge dated 25.4.2014, which has been passed in CWJC No.14255 of 2008. The learned Single Judge after hearing the



parties to the dispute as well as considering the provisions of law came to a considered opinion that the award given by the so-called Permanent Lok Adalat is beyond jurisdiction. The issue before the Permanent Lok Adalat was partition between the parties.

Despite giving adequate opportunity to the learned counsel for the appellant, the Court has not got a satisfactory answer as to under what provision can a partition issue be brought before a Permanent Lok Adalat and especially when there are allegations of fraud and forged compromise petition having been filed to obtain such an award.

The learned Single Judge, therefore, is correct in setting aside the award finding it to be contrary to the mandate of Section 20 (2) and 20 (3) of the Legal Services Authorities Act, 1987 read with Regulation 33 of the State Legal Services Authority Regulations.

The learned Single Judge was cautious of the fact that any observation by the High Court on the merits of the matter would have repercussion and reflection on the right of the parties, if they decide to approach a civil court, therefore, he has restricted himself to setting aside the award alone leaving the parties to approach the competent jurisdiction of a civil court.

The Court has noticed that the forum of Lok Adalats is



being misused by dishonest litigants in connivance with their lawyers and cases of such kind are trickling in on quite a regularity. The jurisdiction relating to the subject matter, which are not being conferred under the statute, are brought before the Permanent Lok Adalats and some of the members of the Permanent Lok Adalat are more than willing to oblige such dishonest litigants by entertaining and passing awards detrimental to the interest of honest citizens. Such conduct needs to be deprecated and interference with such awards is need of the hour.

The order of the learned Single Judge does not suffer from any kind of infirmity in law, therefore, the appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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