

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 318 of 2017

1. Bhukhan Lal Sahu S/o Late Rambharosha Sahu, Aged About 46 Years.
2. Smt. Rukhmani , W/o Bhukhan Lal Sahu, Aged About 42 Years.
3. Smt. Mehatarin Bai Wd/o Late Ramharosha Sahu, Aged About 70 Years,

All are R/o Gendidabri, Mohan Nagar, Police Station Mohan Nagar, Tahsil And District Durg, Chhattisgarh.

---- Applicants

Versus

Smt. Maheshwari Wd/o Late Santu Sahu, Aged About 32 Years C/o Baldu Ram Sahu, R/o Badepurda, Police Station Bori, District- Durg, Chhattisgarh.

---- Respondents

For applicants - Shri B.P. Singh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/03/2017

1. This revision is against the order dated 4th March, 2017 passed by the court of 6th Additional Sessions Judge, Durg which was against the order dated 20/10/2015 passed by the JMFC in Criminal Case No.27/2015 in between Smt. Maheshwari Vs. Bhukan Lal Sahu & Ors.
2. It is stated that on 21/10/2015 an application was filed for compromise which was bearing signature of the parties and it was agreed that the respondent would be paid Rs.1200/- per month by the applicants. Consequently, on the basis of such compromise the order was passed. Subsequently, appeal was filed stating that said compromise petition was filed without the knowledge of the applicants as the counsel had obtained signature on the papers and used the same.
3. It is contended by learned counsel for the applicants before this court that the applicants are illiterate persons and one document which

was containing their signature and the counsel without their knowledge had filed it, therefore compromise is not binding.

4. Perusal of the order would show that order to pay amount was passed on 20/10/2015 and an application to obtain certified copy was filed on 3/11/2016 and certified copy of the order was obtained on 15/11/2016. Thereafter, appeal was filed on 1/12/2016 therefore it would show that the applicants were dormant to their right to file appeal and after lapse of more than one year appeal was filed. No reasons have been assigned. Further more, certified copy Annexure A-5 which is an application for compromise would show at particular space signature of the applicants have been scribed alongwith signature of the advocate. Perusal of it do not show prima facie fraud is committed. However, even if applicants claim that fraud is committed, it is for them to go before the court below which has passed the order of compromise to recall the order. In exercise of power of revision, this court cannot go into finding of such fact and accept the unilateral submission made by the applicants, therefore I do not find any illegality in the order which warrants interference in the revision.

5. Accordingly, the criminal revision is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE