

212

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

CWP-14331-2014

Date of decision : 19.01.2017

Kulwinder Kaur and others

... Petitioners

Versus

Presiding Officer, Lok Adalat, Phillaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. O.P. Sharma, Advocate
for the petitioners.

Mr. Munish Gupta, Advocate
for respondent No.3.

AMIT RAWAL, J. (ORAL)

Mr. Munish Gupta, learned counsel appearing on behalf of respondent No.3 has raised the objection with regard to the maintainability of the writ petition on the premise that both the parties had compromised and the matter was decided by a Civil Judge by exercising the power of Lok Adalat in a petition under Section 372 of the Indian Succession Act. The aforementioned order passed on the basis of the compromise.

The petitioner is stated to have been moved an application (Annexure P-3) for correction of the order dated 26.02.2011, but the same, according to Mr. O.P. Sharma, has erroneously been dismissed vide order 31.01.2014 (Annexure P-4).

This Court has confronted Mr. O.P. Sharma, how the application for correction was maintainable, once the order was passed on

the basis of the compromise as per the provisions of Order 23 Rule 3 CPC.
The remedy was to go the same very Court for recalling of the order as if there is no compromise. In such situations, learned counsel for the petitioner seeks liberty of this Court to withdraw the present writ petition.

Ordered accordingly.

The petitioner shall be at liberty to take appropriate remedy in accordance with law.

19.01.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No