

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20358 of 2017

Date of Decision: 8th September, 2017

Hardeep Singh

....Petitioner

Vs.

Lok Adalat Bathinda and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Deepak Gupta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

Learned counsel for the petitioner has submitted that the petitioner had filed a suit for declaration to set aside the sale deed executed by respondent No.2 on the basis of a forged power of attorney in favour of respondents No.3 & 4. In the said suit, parties entered into a compromise and respondents No.2 to 4 agreed that the power of attorney used by respondent No.2 and the sale deed executed by him in favour of respondents No.3 & 4 be set aside. The matter was put up before the Lok Adalat. The Lok Adalat recorded the following order on 28.4.2012: -

“Parties have compromised the matter in view of the terms and compromise Ex. CX. Parties have admitted the execution of compromise Ex. Cx vide their separate statements. In view of the statement suffered by parties, the suit is dismissed as withdrawn being compromised. Parties shall remain bound by the terms of compromise Ex. Cx.

File is ordered to be consigned to the Record Room.”

The petitioner filed appeal against the aforesaid order which was withdrawn because the same was not maintainable.

Be that as it may, the only grievance of the petitioner is that the Lok Adalat instead of dismissing the suit as withdrawn on being compromised should have been decreed the suit in terms of the compromise and the compromise should have been made part of the decree. Since, respondents No.2 to 4 are not having any dispute with the petitioner as the matter has already been compromised, therefore, there is no need to issue notice to them as the case can be decided in their absence.

After hearing learned counsel for the petitioner and taking into consideration all the facts, the present petition is hereby allowed and the order dated 28.4.2012 passed by the Lok Adalat is hereby modified to the extent that “*suit is dismissed as withdrawn being compromised*” be read as “*suit is decreed being compromised*”.

Disposed of.

8th SEPTEMBER, 2017

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*