

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**RA-CW-186-2016(O&M) in
CWP No. 15216 of 2015
Date of Decision: 02.08.2017**

Lakhwinder Kaur

...Applicant/Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM:-HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ankur Mittal, Advocate,
for the petitioner.

Ms. Gulnoor Ghuman, AAG, Punjab.

Mr. Amit Gupta, Advocate,
for respondents No. 5 to 8.

RAJIV NARAIN RAINA, J. (Oral)

Heard the respective counsel. There is a patent defect in my order which has to be cured by reahearing on merits particularly with regard to the compromise between the parties not noticed since the petitioner was not heard when the order was passed and his presence was wrongly recorded. Only the State was heard while passing the order.

I recall my order dated 19.02.2016 which proceeded on the wrong assumption that the claim has been shared between the two wives based on the family arrangements and the family arrangements being a private document could only be examined in a civil Court since it would require evidence. However, at the time of passing of the order, it was not brought to my notice that it was not a family arrangement but a compromise duly effected and entered in writing in the Mediation and Conciliation Centre which was duly produced and recognized by the two disputing wives

of the late government servant as the operating settlement between the parties with the stamp of this Court borne in orders passed in Civil Writ Petition No. 6020 of 2001, titled as "Lakhwinder Kaur vs. Mandeep Singh and others" decided on 05.02.2014, wherein it has been recorded as follows:-

"Learned counsel for the petitioner submits that compromise has been arrived at between the parties on 04.10.2013 before the Mediation and Conciliation Centre and same has been reduced into writing.

In view of above, no further adjudication of the matter is necessary.

Disposed of".

In view of this position, there is a fundamental flaw in my order which requires to be corrected. As a result it would lead to restoration of the case to be heard on merits.

Accordingly, the review application is allowed. I recall my order dated 19.02.2016 and restore the case to its original number.

List as per roster.

(RAJIV NARAIN RAINA)
JUDGE

02.08.2017
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Whether speaking/reasoned *Yes*

Whether reportable *No*