

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13652 OF 2018

SHAIKH HAFIZ ABDUL NABI
VERSUS
MEHETAB MAHEBOOB QURESHI AND OTHERS

...
Advocate for Petitioner : Mr. Shamim Rashid Shaikh

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CORAM : N. M. JAMDAR, J.
DATED : 10 DECEMBER 2018

PER COURT:-

1. By this petition, the petitioner has challenged the award of the Lok Adalat dated 22 April 2018. It appears that the respondent Nos. 1, 2 and 3 were parties in Special Civil Suit No. 174 of 2017 filed in the Court of Civil Judge, Senior Division, Latur. It also appears that these respondents compromised their suit before the Lok Adalat and the award of the Lok Adalat was rendered in terms of the compromise.

2. The petitioner, who is not party to the suit or to compromise, has filed this petition on the ground that there is fraud committed by these respondents and they have not disclosed that the Regular Civil Suit No. 695 of 2017 is pending in the court of Civil Judge, Junior Division, Ausa, which has been filed by the sister of present respondent No.2 and petitioner is the defendant No.6 in the said

suit, for partition. He submitted that the award of the Lok Adalat will affect the rights of the petitioner in pending suit.

3. The provision of Section 21 of the Legal Services Authorities Act stipulates that every award made by the Lok Adalat is final and binding on the parties to the dispute. It is obvious that since the petitioner is not party to the dispute and the compromise, the compromise cannot bind the petitioner. None of the parties to the suit have filed objection on the ground of fraud.

4. It is obvious that since the compromise does not affect the rights of the petitioner having not been a party, it will not affect the petitioner's case his substantive rights, if any, in the pending suit. In view of this position that the petitioner's rights are not affected by the award, it is not necessary to interfere in this writ petition. The petition is accordingly disposed of.

(N. M. JAMDAR, J.)

rlj/

NOTE: The order is corrected as per Court's Order dated
22 December 2018.