

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

CR-3466-2015 (O&M)

Date of decision : 26.4.2018

Jagdeep Singh and others

..... Petitioners

Versus

Swarandeep Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. J.S. Thind, Advocate for respondent.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition are the orders dated 16.4.2015; 28.4.2015; 5.5.2015 and 12.5.2015 (Annexure P-1 to P-4) passed by learned Civil Judge (Junior Division), Ellenabad on an application filed under Order XXXIX Rule 2-A of the Code of Civil Procedure 1908 for violating the order dated 4.9.2014 (Annexure P-7) passed by learned Civil Judge (Junior Division), Ellenabad.

It comes out that from the order dated 4.9.2014 that in the daily Lok Adalat, parties made the statements and the suit was disposed of holding that parties shall be bound by their statements. Therefore, the said award of the Lok Adalat amounts to decree and can only be executed by way of execution. In the present case, the proceedings under Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908 have been initiated which is not the proper procedure.

Therefore, all the orders passed under Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908 as mentioned above are found to be illegal and are hereby set aside holding that proceedings under Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908 are not maintainable. However, respondent is always at liberty to file an execution for implementing the said order.

Accordingly, the present revision petition is allowed.

Since the main petition is allowed, the miscellaneous application pending, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

26.4.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No