

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

**CWP No. 934 of 2013
Date of Decision: 16.3.2018**

Simranjit Kaur Thind @ Simerjit KaurPetitioner

v.

The Presiding Officer, Lok Adalat and othersRespondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Ms. G.K. Mann, Advocate, for the petitioner
Mr. Sham Lal Bhalla, Advocate, for the respondents

RAKESH KUMAR JAIN, J. (Oral)

The petitioner is seeking a writ in the nature of certiorari for quashing the order dated 26.3.2011 passed by respondent No.1 and order dated 27.8.2012 passed by the Chief Judicial Magistrate, Jagraon, by which his application seeking amendment of the order has been declined.

In brief, the petitioner filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act') against respondents No. 2 to 6. A compromise was arrived at between the parties. The matter was taken up before the Lok Adalat wherein the petitioner suffered a statement on 26.3.2011 for the compromise. Accordingly, the Lok Adalat passed the order on 26.3.2011 which read as under:

“Simranjit Kaur v. Manjinder Singh

Present : Parties with counsel

*Attorney of the respondent and applicant have appeared
and made statement to provide shelter to the applicant in the
matrimonial home. In view of the same the application moved by*

applicant stands disposed of. Parties shall remain bound by their statements made in the Court. Now to come up on 2.5.2011 the date already fixed.

*Presiding Officer
Lok Adalat, Jagraon
26.3.2011”*

Learned counsel for the petitioner has submitted that SHO/Inspector Dilbagh Singh and ASI Balour Singh went to the village Rachhine for the purpose of delivery of possession of the portion of the house to the petitioner in terms of her statement and the order dated 26.3.2011 passed by the Lok Adalat. It is submitted that the said police party found that there is a gate at Point 'G' in the rear side of the kothi to which there is no passage and which open in the fields. Faced with this difficulty, the petitioner filed an application for seeking amendment of the order passed by the Lok Adalat. The said application has been dismissed by the impugned order dated 27.8.2012 observing that the petitioner cannot move this application after expiry of almost one year and the application was considered to be an after thought.

Learned counsel for the petitioner has vehemently argued that the petitioner is only asking for a passage for ingress and egress from front portion of the kothi in question, whereas she has been provided the passage at point 'G' at the rear side of the kothi which is open in the fields. She has also submitted that the order dated 26.3.2011 has been passed by the Lok Adalat in the absence of the petitioner much less his advocate, therefore, the petitioner could not mention before the Lok Adalat about her grievance of being provided the passage at Point 'G'.

In reply, learned counsel for the respondents has submitted that the petitioner was allegedly married on 10.12.2003. She has stayed in this house

for a long time. She know about the topography of the house. She has suffered statement on 26.3.2011 before the Lok Adalat to take passage at Point 'G'. It is further submitted that after one year, the petitioner has raised this issue for the purpose of disturbing the arrangement made by the Lok Adalat. It is also submitted that learned counsel for the petitioner was present on 26.3.2011 when the Lok Adalat had passed the order which is evident from the presence marked by the Court which is recorded as “parties with counsel”.

I have heard learned counsel for the parties and after perusal of the record, am of the considered opinion that there is no merit in the present petition because, firstly; the contention of the petitioner that her advocate was not present on 26.3.2011 when the Lok Adalat had passed the order is contrary to record because the Court has specifically mentioned “parties with counsel”. In the case of **State of Maharashtra v. Ramdas Shrinivas Nayyak and another, 1982 AIR 1249 SC**”, the Hon'ble Supreme Court has held that the record of the Court has to be considered unquestionable until and unless an application with affidavit is filed before the same Court for the change of the record if the zimni order has been recorded incorrectly.

No such application was filed by the petitioner before the Lok Adalat after the order was passed on 26.3.2011. Rather the application for seeking amendment was filed on 20.12.2012 i.e. almost after one year and nine months of the order passed by the Lok Adalat. The most interesting feature in this case is that the petitioner had stayed in the house in question. She knew about the topography of the house much less the fact that the rear gate of the house has no passage as alleged. If that is so, she would not have consented to it while suffering statement on 26.3.2011 before the Lok Adalat on which date

Lok Adalat had passed the order. If this practice is allowed, as sought by the petitioner, then no order of the Court would become final. Thus, in view of the above observation, I do not find any merit in this petition.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

16.3.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No