

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10879 of 2005

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Satya Bhama Choudhry @ Satyavama Choudhary, wife of Sachidanand Choudhary, resident of village Fateha, P.S. Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Narayan Das, son of Navi Das, resident of village Kewta, P.S. Dalsingsarai, District- Samastipur
3. Deepak Kumar, son of Ramsevak Ishar, resident of Village- Fateha, P.S. Bachhwara, District- Begusarai
4. Mohammad Kalam, Proprietor of Kalam Motor Garrage at Mahabir Chowk on National Highways Road, Dalsingsarai, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms.Vagisa Pragya Vacaknavi, Advocate
		Mr.Binod Kumar Singh, Advocate
For the Resp. No. 2	:	Mr.Sujit Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 15-04-2019 Heard learned counsel for the petitioner and the respondents.

The dispute in the present writ petition is whether the permanent Lok Adalat was justified in passing the award in question.

Learned counsel for the petitioner submits that in exercise of the jurisdiction the consent of the party is the condition precedent. The petitioner was not the consenting party for the settlement of the dispute and therefore, the award of the Lok Adalat is nullity. She made manifold submissions about the jurisdiction of the Permanent Lok Adalat. She also highlighted



that at the relevant time there was no such Permanent Lok Adalat and in loose sense the expression “Permanent Lok Adalat” was used by the forum exercising power of settlement of the dispute amicably between the parties.

Learned counsel appearing on behalf of the respondent No. 2 submits that the award proceeds on the basis of the consent of the parties and the contention of the petitioner that the petitioner was not agreeable to the settlement cannot be decided in the present proceeding and it would be appropriate that the matter may be remanded back to the Lok Adalat where the petitioner may lead evidence to establish that the petitioner was not consenting party for passing the award.

Since the tenor of Annexure-1 is a kind of adjudication and not consent order, the Court is of the considered view that the order as contained in Annexure-1 cannot sustain. It is, accordingly, quashed. However, for adjudication, whether the petitioner was agreeable for settlement of the dispute, the matter is remanded back to enable parties to lead evidence and establish that there was some kind of understanding between the parties for settlement of the dispute. The exercise as to settlement of the dispute by the court below shall be completed by giving opportunity to the parties within a



maximum period of 60 days from the date of receipt/production
of a copy of this order.

With the aforesaid, the writ petition stands allowed
and disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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