

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19261 of 2012

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Babu Lal Bhagat, S/O Late Mahavir Bhagat, R/O Village- Pandar Bajipur,
P.O.- Gulbara Madhuban, P.S.- Madhuban, District- East Champaran
... .. Petitioner/s

Versus

Ram Ayodhya Bhagat, S/O Sita Ram Bhagat, R/O Village- Pandar Bajipur,
P.O.- Gulbara Madhuban, P.S.- Madhuban, District- East Champaran
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 10-04-2019 Heard learned counsel for the petitioner and the
respondent.

2. The petitioner has filed the present writ application
for setting aside the order dated 21.02.2012 passed in Misc.
Case No. 22 of 2006 by the Munsif, Sikrahana at Motihari.

3. The factual matrix involved in the instant case is
that Title Suit No. 32 of 2004 was compromised on 15.03.2005
and the record was sent to Lok Adalat. On 24.03.2005, the Lok
Adalat accepted the compromise and decree was drawn on the
basis of award passed by the Lok Adalat. After the award and
the decree, the petitioner filed Misc. Case No. 22 of 2006 for
setting aside the compromise decree passed in Title Suit No. 32
of 2004.

4. The main contention of the petitioner before the
Munsif, Sikarhana in Misc. Case No. 22 of 2006 is that out of



four pages of the compromise petition, the thumb impression of petitioner is only available on page no.4 and not on page nos. 1, 2 and 3.

5. During the course of argument, learned counsel for the petitioner has not disputed the fact that the thumb impression on page no.4 is not genuine thumb impression of the petitioner. He also failed to establish that requirement of thumb impression or signature of the party on each and every page on the compromise petition is mandatory requirement. He has also not been able to establish that the parties have changed page nos. 1, 2 and 3 of the compromise petition.

6. The Court below meticulously examined the materials available on record and held out that there is no fraud practised in the matter of recording compromise. The scope of judicial review is confined to error in decision making process.

7. The Court in the facts and circumstances is not inclined to enter into the controversy highlighted by the petitioner, particularly, when there is no challenge as to the thumb impression affixed by the petitioner in the compromise petition. The Court does not find any merit in the present writ application. It is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

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