

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19579 of 2012

-
-
1. Laxman Singh S/O Late Yogendra Singh, Resident Of Village- Narayanpur, P.O. and P.S.- Narayanpur, District- Bhojpur
 2. Jitendra Kumar Singh, S/O Late Yogendra Singh, Resident of Village- Narayanpur, P.O. and P.S.- Narayanpur, District- Bhojpur
 3. Ravi Prakash Singh, S/O Late Ramgahan Singh, Resident of Village and P.O.- Lasari, P.S.- Agiaon Garhani, District- Bhojpur

... .. Petitioner/s

Versus

1. Gopal Singh S/O Satendra Singh
 2. Vikash Singh, S/O Satendra Singh
 3. Basanti Kunwar, W/O Late Munna Singh
 4. Khushboo Kumari, D/O Satendra Singh
 5. Prakash Singh Minor Son Of Late Munna Singh under the Guardianship Of His natural Guardian And Mother Basanti Kunwar
 6. Ravi Shankar Singh Minor Son of Late Munna Singh Under The Guardianship Of His Guardian And Mother Basanti Kunwar
- All are Resident Of Village-..... P.O..... P.S.-.....
District.....

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 26-04-2019 Heard learned counsel for the petitioners and the respondents.

2. Learned counsel for the petitioners submits that the present case is a celebrated example of fraud practiced in recording compromise by the Lok Adalat.

3. Referring to the judgment of this Court reported in 2014 (2) PLJR 107, he submits that the continuing Lok Adalat was not vested with the jurisdiction to entertain the application



directly. He submits that the Lok Adalat was only entitled to entertain the application in two situations: Firstly; when the reference is made by the Legal Services Authority and Secondly; when the reference is made by the appropriate Court in the pending proceeding.

4. In view of the principles discussed in the aforesaid judgment, learned counsel for the petitioners submits that the continuing Lok Adalat has abused the exercise jurisdiction to entertain the application filed directly before that continuing Lok Adalat. Secondly; he highlighted the fraud practice in the process of recording compromise on the very next date of filing of the application before the so-called Lok Adalat.

5. Learned counsel for the petitioners submit that the attending facts and circumstances clearly demonstrate fraud practiced by the parties in the matter of filing application and thereafter recording compromise and on that basis the Lok Adalat passed award. He submits that earlier transfer was made in favour of the present petitioners and thereafter title suit was filed. During the pendency of the Title Suit, a petition was filed before the continuing Lok Adalat and after passing of award on the basis of the compromise application was moved before the Court where the title suit was pending for withdrawal of the suit.



The aforesaid conduct of the respondent nos. 1 to 6 indicate that they have played fraud.

6. Learned counsel for the respondents submits that compromise was recorded in the Lok Adalat and therefore this Court is not supposed to decide the disputed question.

7. The law in this regard is well settled. The Apex Court has occasion to decide the effect of fraud and misrepresentation and the judgment obtained by practising fraud or misrepresentation in the case of **S. P Chengalvaraya Naidu vs Jagannath**, reported in **1994(1) SCC 1** where the Apex Court held out that fraud vitiate every right.

8. Considering the aforesaid, the writ application is allowed. The order as contained in Ananexure-1 is quashed. In the event, the parties wish to settle their dispute amicably, the parties shall be at liberty to approach the Permanent Lok Adalat and the Permanent Lok Adalat after hearing the parties and after recording the willingness and readiness of the parties to enter into compromise may pass appropriate order/appropriate award in accordance with law.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

