

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 100 of 2019**

*{Arising out of order dated 30.10.2018 passed by learned Single Judge in Writ Petition
(C) No. 3285 of 2017}*

1. Vinay Agrawal, S/o Late Mali Ram Agrawal, aged about 42 years, R/o A/S 14, Near Annapurna Kirana Shop, Agaya Nagar, Bilaspur, District Bilaspur (C.G.)
2. Anoop Agrawal, S/o Late Mali Ram Agrawal, aged about 48 years, R/o A/249, House of Shri Nidhish Choubey, Near Omkareshwar Mandir, Agaya Nagar, Bilaspur, District Bilaspur (C.G.)

---- Appellants**Versus**

1. Vikas Agrawal, S/o Late Mali Ram Agrawal, aged about 44 years, R/o Somaya Beauty Parlour, Behind Ramdev Rice Mill, Mungeli Road Bilaspur, District Bilaspur (C.G.)
2. Smt. Usha Singh, W/o Arvind Singh, aged about 41 years, R/o Near Sahu Kirana Shop, Kapil Nagar, Sarkanda, Bilaspur, District Bilaspur (C.G.)
3. District Legal Services Authority, Through the Secretary, District Legal Service Authority, Ware House Road, Bilaspur, District Bilaspur (C.G.)
4. State of Chhattisgarh, Through Collector, District Bilaspur (C.G.)

---- Respondents

For Appellants	:	In person.
For Respondent No.1	:	In person.
For Respondent No.4/State:		Shri Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Judgment on Board**Per Ajay Kumar Tripathi, Chief Justice****12.02.2019**

1. Heard parties in person.
2. Appeal has been preferred against the order of the learned Single Judge dated 30.10.2018 by the Appellants against the decision to set aside the compromise

award dated 10.06.2017 passed by the Lok Adalat in pre-litigation Case No. 15 of 2017. The matter was set aside and remitted back to the Court below for fresh decision.

3. The learned Single Judge took note of the fact that without any reference under Section 22 of the Legal Services Authority Act, 1987 (for short, "Act of 1987"), the suit in question was taken up by the Lok Adalat and without proper hearing and opportunity, on a contrived kind of so-called compromise the decree or the order in question was passed.
4. Lok Adalats are not supposed to be forum where fraud is allowed to be played by one party against the other. The forum's sanctity should not be sullied by such action by any of the party. The learned Single Judge, therefore, in the interest of justice rightly interfered with the award and remitted the matter back to the Court for adjudication.
5. The opportunity given to the parties to settle the matter, may be through compromise, is still open to them, despite the order of remand passed by the learned Single Judge but as per the process and procedure envisaged under Act of 1987.
6. Appeal stands disposed off in terms of the above without interfering with the order of the learned Single Judge.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge